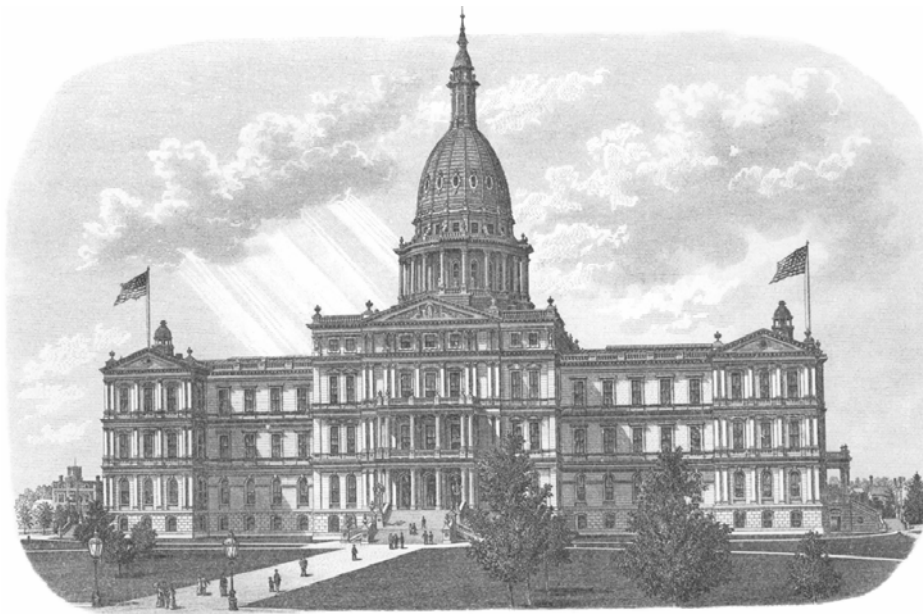


Michigan Register

Issue No. 11– 2008 (Published July 1, 2008)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 11— 2008

(This issue, published July 1, 2008, contains
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Peter Plummer, Executive Director, State Office of Administrative Hearings and Rules; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

Jennifer M. Granholm, Governor



John D. Cherry Jr., Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The State Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The State Office of Administrative Hearings and Rules shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the State Office of Administrative Hearings and Rules may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the State Office of Administrative Hearings and Rules. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the State Office of Administrative Hearings and Rules not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the State Office of Administrative Hearings and Rules shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the State Office of Administrative Hearings and Rules shall be made available in the shortest feasible time after it is made available to the State Office of Administrative Hearings and Rules.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The State Office of Administrative Hearings and Rules shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the State Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The State Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: State Office of Administrative Hearings and Rules, Ottawa Building - Second Floor, 611 W. Ottawa, P.O. Box 30695, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the State Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the State Office of Administrative Hearings and Rules: www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the State Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Peter Plummer, Executive Director
State Office of Administrative Hearings and Rules

2008 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2008	February 1, 2008
2	February 1, 2008	February 15, 2008
3	February 15, 2008	March 1, 2008
4	March 1, 2008	March 15, 2008
5	March 15, 2008	April 1, 2008
6	April 1, 2008	April 15, 2008
7	April 15, 2008	May 1, 2008
8	May 1, 2008	May 15, 2008
9	May 15, 2008	June 1, 2008
10	June 1, 2008	June 15, 2008
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22	December 1, 2008	December 15, 2008
23	December 15, 2008	January 1, 2009
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

SOAHR #2006-070
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DIRECTOR'S OFFICE
MANUFACTURED HOUSING

Filed with the Secretary of State on June 4, 2008
These rules take effect 90 days after filing with Secretary of State

(By authority conferred on the director of the department of labor & economic growth by 1987 PA 96, MCL 125.2301 and Executive Reorganization Orders No. 1996-2, 2003-1, and 2006-2, MCL 445.2001, 445.2011, and 445.1981)

R 125.1101, R 125.1120, R 125.1125, R 125.1130, R 125.1175, R 125.1185, R 125.1192, R 125.1202b, R 125.1212, R 125.1213a, R 125.1214, R 125.1214d, R 125.1214f, R 125.1214i, R 125.1214n, R 125.1303, R 125.1305, R 125.1401, R 125.1403, R 125.1408, R 125.1602, R 125.1605, R 125.1610, R 125.1701, R 125.1702a, R 125.1705, R 125.1901, R 125.1904a, R 125.1905, R 125.1906, R 125.1908, R 125.1920, R 125.1922, R 125.1940a, R 125.1947a, R 125.1950, R 125.2001, R 125.2001a, R 125.2005a and R 125.2006a of the Michigan Administrative Code are amended and R 125.1102, R 125.1701a, R 125.1703, R 125.1711, R 125.1712, R 125.1713, R 125.1714, R 125.1715, R 125.1716, R 125.1717, R 125.1718, R 125.1719, and R 125.1720 are added and R 125.1214l, R 325.3347, R 325.3348, R 325.3349, R 325.3351, R 325.3353, R 325.3361, and R 325.3363, R 325.3371, and R 325.3372 of the code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 125.1101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Accessory" means anything which is joined to a home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 to R 408.30121 of the Michigan Administrative Code.

(b) "Act" means 1987 PA 96, MCL 125.2301 to 125.2350 and known as the mobile home commission act.

(c) "Advertising" means the publication of, or causing to be published, by any means of communication, all material that is prepared for public distribution and consumption, including any sign used by a licensee. A licensee shall use the name under which it's doing business in all advertisements. The term does not include applications for licensing or stockholder communications, such as any of the following:

- (i) Annual reports.
- (ii) Interim financial reports.
- (iii) Proxy materials.
- (iv) Registration statements.
- (v) Securities.
- (vi) Business or financial prospectuses.

(d) “Certificate of manufactured home ownership” means a document which is issued by the department or its authorized representative and which establishes lawful transfer and ownership of a home.

(e) “Closing” means the procedure in which final documents are executed.

(f) “Commission” means the manufactured housing commission.

(g) “Common sidewalk” means a sidewalk in a community that is intended for the common use of all residents in the community.

(h) “Community” means both a “mobile home park” and a “seasonal mobile home park” as defined in the act.

(i) “Consumer” means a retail purchaser.

(j) “Consumer deposit” means all payments of cash or by personal check, money order, certified or cashier’s check, credit card or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement.

(k) “Department” means the Michigan department of labor & economic growth.

(l) “Director” means the director of the Michigan department of labor & economic growth.

(m) “Final documents” include termination statements, or releases of lien, purchase agreements, installment loan contracts, manufacturer’s invoices, closing statements, shipping records, delivery receipts, and escrow disbursement documents.

(n) “Home” has the same meaning as “manufactured home,” which has the same meaning as “mobile home” as defined in the act. A new home is a home for which a certificate of manufactured home ownership should have been issued under the act.

(o) “Homeowner” means the person or persons listed on the certificate of manufactured home ownership and on the security agreement, if one exists, for the home.

(p) “Home site” means the entire area that is designated to be used for a specific home.

(q) “Individual sidewalk” means a private sidewalk which extends from the common sidewalk, driveway, or internal road to the home site and which is intended for the use of the home site resident.

(r) “Installer and servicer” has the same meaning as “installer and repairer” as defined in the act.

(s) “Internal road” means a road which is contained within the boundaries of a community and which is under the care, custody, and control of the community.

(t) “Location” means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.

(u) “Manufactured housing commission” has the same meaning as “commission” as defined in the act.

(v) “Operator” means an individual 18 years of age or older who is an officer of a corporation, a manager or member, if member managed, of a limited liability company, a general partner, a copartner, or a sole proprietor.

(w) “Optional improvement” means an amenity in new community construction or existing licensed community expansion that is not required under the community construction rules contained in these rules.

(x) “Payments” does not include payments collected by a retailer on behalf of either a lender, in order for financing to be approved, or a state or local governmental agency, in order to apply for permits, and forwarded by the retailer to the lender or governmental agency.

(y) “Permanent foundation” means a base upon which a home is placed that is not subject to excessive movement caused by changes in weather or home weight distribution.

(z) “Purchase agreement,” for the purpose of records maintained under these rules, means an express written agreement in which a person agrees to buy, and another person agrees to sell, a home and includes specific home identification information, which shall include all of the following information:

(i) Year of manufacture or year on previous certificate of manufactured home ownership.

- (ii) Serial number if available.
- (iii) Name of manufacturer.
- (iv) Model name or number.
- (v) The agreed to price of the home.
- (vi) Each buyer-selected option and accessory.
- (vii) Other costs to the buyer, such as taxes and certificate of manufactured home ownership fees.
- (aa) “Purchaser” means a retail purchaser.
- (bb) “Retailer” has the same meaning as “mobile home dealer” as defined in the act. A community that rents or leases homes within the community is not required to be licensed as a retailer, but shall comply with the retailer business practices rules. A lender that only sells homes it has repossessed is not required to be licensed as a retailer. A community that only sells homes that have been abandoned or for which a title has been transferred without consideration or in lieu of rent owed is not required to be licensed as a retailer.
- (cc) “Rubbish” means not putrescible solid wastes, except ashes, consisting of either combustible or noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- (dd) “Seasonal community” has the same meaning as “seasonal mobile home park” as defined in the act.
- (ee) “Successor” means a person who obtains all of the assets and liabilities of a former owner.
- (ff) “Terminate” means ceasing activities authorized under the terms and powers of a license specified in the act.
- (gg) “Year of manufacture” means the calendar year in which a home is manufactured.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 125.1102 Adoption by reference

Rule 102. The following standards are referenced in these rules and are adopted by reference in this rule:

- (a) The standards of the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, revised April 1, 2006, and parts 3280 and 3282, revised April 1, 2006, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. Copies of the adopted standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20204, at no cost. Copies may also be obtained from, or are available for inspection at, the Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at no cost.
- (b) Part 3282 of the manufactured home procedural and enforcement regulations, revised April 1, 2006, promulgated under the national manufactured housing construction and safety standards act of 1974 is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the Superintendent of Documents. P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost as of the time of adoption of these amendatory rules of \$15.00.
- (c) ASTM standard C 90-99, printed June 1999, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$29.00.
- (d) The United States department of housing and urban development standards entitled “Manufactured Home Construction and Safety Standards,” revised April 1, 2006, are adopted by reference in these

rules. Copies of the standards may be obtained at no cost from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or from the Department of Labor & Economic Growth, Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909.

(e) The American Society for Testing and Materials (ASTM) specification F1487-05, August 15, 2005, edition, is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. A copy of this specification may be purchased or inspected from the American Society for Testing and Materials, 100 Barr Harbor, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$52.00.

(f) The 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, is adopted by reference in these rules. The code is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864. The code may be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these amendatory rules of \$74.00.

(g) The guide for design of pavement structures, March 1993 printing and the March 1, 1998 supplement as published by the American association of state highway and transportation officials (AASHTO), is adopted by reference in these rules and is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$150.00.

(h) The requirements of American water works association standards C700-02, effective January 1, 2003, entitled “Cold Water Meters – Displacement Type” (the cost at the time of adoption of these rules is \$54.00); C708-05, effective June 1, 2005, entitled “Cold Water Meters – Multijet Type” (the cost at the time of adoption of these rules is \$37.00); and C710-02, effective January 1, 2003, entitled “Cold Water Meters – Displacement Type Plastic Main Case” (the cost at the time of adoption of these rules is \$37.00). These standards are adopted in these rules by reference and are available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.

Rule 120. (1) Under the act, local governments proposing a higher standard than specified in these rules shall, after public hearing, file the proposed standard with the department for the commission’s review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, all of the following information:

- (a) The current specific standard for which a higher standard is being proposed.
- (b) The proposed higher standard.
- (c) A statement or statements setting forth the reasons for a standard that is higher than the existing standard.
- (d) A statement or statements that the proposed higher standard is not designed to generally exclude homes or persons who engage in any aspect pertaining to the business of homes.
- (e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with the statement or statements.
- (f) Any other information and data that provides justification for the proposed higher standard.

(3) The commission shall approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, then the local government is entitled to a hearing before the commission or its designated representative under 1969 PA 306, MCL 24.271 to 24.328.

(4) If the commission does not approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission at the department, then the standard shall be considered approved unless the local government has granted the commission additional time to consider the proposal.

(5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government under the provisions of the act. The department shall notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. The preliminary order of intent to deny constitutes notification within the 60-day time limit, and extension if any, under the act.

(2) The preliminary order of intent to deny shall automatically be final 15 days after the date of receipt of the order by a local government, unless the local government requests, in writing, a hearing before the commission or its designated representative under the provisions of 1969 PA 306, MCL 24.271 to 24.328.

R 125.1130 Aggrieved persons; hearing.

Rule 130. A person who is aggrieved by a decision of a local government shall be given an opportunity for a hearing under the act, provided that a written request is received by the department not more than 60 days from the date a decision is rendered by the local government.

R 125.1175 Declaratory rulings.

Rule 175. The commission and the department, at the request of an interested person, may issue a declaratory ruling in accordance with the department of labor and economic growth declaratory ruling procedures prescribed in R 338.81.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes sold within Michigan shall comply with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 to 1799, and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 to §628. The standards are adopted by reference in R 125.1102 of these rules. (2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998 may be sold on the home site.

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

R 125.1192 Posting of complaint notice.

Rule 192. A licensee shall post, in a conspicuous place, the following statement for resolving complaints:

“Under the Mobile Home Commission Act you have the right to file a complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under the act or rules, you must notify the manufactured home manufacturer, community, retailer, or installer and servicer in writing that a problem exists. If a reasonable response is not received within 10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30254, Lansing, Michigan 48909. Please note that only complaints about violations of the mobile home commission act or rules can be accepted by the Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent costs do not fall under the authority of the act.”

PART 2. LICENSING

R 125.1202b Disclosure.

Rule 202b. Under the act, if filing an application under the act or these rules, all general partners or copartners in a partnership; officers of a corporation; managers or members, if member managed of a limited liability company; or sole proprietors shall provide all of the following information:

(a) A conviction or administrative or civil judgment rendered against them within 10 years before the date of the application in connection with any aspect of the business of homes, which includes, but is not limited to, sales, brokering, installation, servicing, financing, and insuring homes or any aspect of community ownership, management, operation, development, or construction.

(b) A conviction or administrative or civil judgment rendered against them within 10 years before the date of application in connection with a violation of a statute regulating the offering of securities or franchises or regulating builders, real estate brokers, or real estate agents or a violation of 1972 PA 286, MCL 565.801 to 565.835.

(c) Information necessary to conduct a criminal record check on a form provided by the department.

R 125.1212 License; request for renewal; fee.

Rule 212. An application for license renewal shall be on a form provided by the department and shall be accompanied by the fee prescribed by the act.

R 125.1213a License; failure to renew; expiration.

Rule 213a (1) If a licensee fails to file a license renewal application with the department before October 1, then the license held shall expire in compliance with the act.

(2) An initial or renewal license under the act shall be issued for 3 years. Licenses shall expire on October 1 of the current licensing cycle.

R 125.1214 Operation after expiration of license.

Rule 214. A licensee may continue to operate as previously licensed using only its expired wall license as evidence of proper licensing if its completed application for renewal, with proper fee, has been received by the department before October 1 of the current licensing cycle.

R 125.1214d Local government; licensing.

Rule 214d. A local government shall not require a person licensed under the act to obtain a local license or to register its license unless the requirement is established by ordinance and the ordinance is approved by the commission under the provisions of the act.

R 125.1214f Surety bonds; cancellation.

Rule 214f. (1) A surety bond of \$10,000.00 or a deposit of \$10,000.00 in cash or securities, made payable to the "State of Michigan," on a form prescribed by the department, is required for each retailer location, up to a maximum surety bond or deposit of \$100,000.00 for all locations of the same retailer.

(2) If a surety bond is not in effect, then the retailer shall stop all sales activity.

R 125.1214i Installer and servicer; licensing required.

Rule 214i. (1) An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be an installer and servicer.

(2) A person who, for compensation installs or disassembles the installation of homes, including their nonpermanently affixed steps, skirting, and anchoring systems, or who services homes, for which service another Michigan license is not required, shall be licensed as an installer and servicer.

(3) Before applying for an original or renewal installer and servicer license, the operator shall complete 12 hours of department-approved installation programs throughout the current licensing cycle.

R 125.1214l Rescinded.

R 125.1214n New community and additional home sites license; application; issuance; conditions.

Rule 214n. (1) Except as provided in subrule (2) of this rule, before the department issues an initial license for a new community or adds additional home sites to the community's existing license, all of the following shall be certified to be complete under the provisions of the act:

(a) Internal roads servicing the completed home sites. The owner may construct the final lift of the road in the next construction season if a bond covering the cost of constructing the final lift is delivered to the department before licensure. The bond shall be made payable to the "State of Michigan."

(b) Home site individual sidewalk.

(c) Common sidewalks, if provided, servicing the completed home sites.

(d) Parking servicing the home site.

(e) Patios, if provided.

(f) Permanent foundations.

(g) Internal road lighting servicing the completed home sites.

(h) At a minimum, the stabilization of the soil on the completed home sites to prevent, as much as possible, erosion and soil runoff.

(2) Upon approval by the department, all of the following may be constructed after licensing of a home site for the purpose of customizing the home site to a specific home:

(a) The home site individual sidewalk.

(b) Parking on the home site.

(c) Patio, if provided.

(d) Light fixture, if on the home site.

(e) Permanent foundation.

(3) The applicant shall file all of the following documents with the license application for a new community or additional home sites:

(a) An affidavit signed by the community owner or operator and an engineer or architect stating that the construction was completed according to the approved plans and specifications under the provisions

of the act. If the community owner or operator elects to complete the home site under the provisions of subrule (2) of this rule, then the affidavit shall specifically state that the home site construction shall be completed before the home is occupied and shall be completed according to the approved plans and specifications. The affidavit shall cite the specific home sites to be licensed by home site number.

(b) Certification of the community sewer system by home site number under the provisions of R 325.3391.

(c) Certification of the community-owned electrical system by home site number under the provisions of R 325.3391.

(4) Before the department may issue a license, the department shall receive certification of the home sites by the Michigan department of environmental quality and the Michigan department of labor and economic growth under the provisions of the act.

(5) It is a violation of this rule and the act if any home that is placed on a home site is occupied by residents before the home site is licensed. In a licensed community, each home site that has a home occupied by residents shall be licensed whether or not it is being offered to the public.

PART 3. FEES

R 125.1303 Certificate of title; cancellation; fees.

Rule 303. An affidavit required under the act, executed for the purpose of canceling a certificate of title shall be filed with the department with a fee of \$90.00.

R 125.1305 Community license; renewal.

Rule 305. (1) Each applicant for a community license or for a license renewal shall make application for the license or the license renewal on a form provided by the department. Except for a seasonal community, the nonrefundable fee for the 3-year license is \$225.00, plus an additional \$3.00 for each home site in excess of 25 home sites in the community. For a seasonal community, the nonrefundable fee for the 3-year license is \$120.00, plus an additional \$1.50 for each home site in excess of 25 home sites in the community.

(2) The fee shall be submitted with the application to the department.

PART 4. RETAILER BUSINESS PRACTICES

R 125.1401 Advertising; prohibited activities.

Rule 401. A retailer, in connection with the sale of homes, equipment, or accessories, shall not, directly or indirectly, engage in any of the following activities:

(a) Advertise a home for sale if the name of the retailer does not appear in the advertisement. A home committed by a home owner to a retailer for sale may be advertised if the offer visibly states that the home is “offered on consignment.”

(b) Advertise a home and falsely offer any year of manufacture, make, type, model, serial number, fixed location, price, equipment, or terms or make a claim or condition to the sale of a home that is not truthful.

(c) Advertise the phrase “close out,” “final clearance,” or “going out of business” or similar phrases in connection with home sales unless the phrase is true. A retailer who is going out of business shall comply with the provisions of 1961 PA 39, MCL 442.211 which includes regulation of the sales activities of businesses that are going out of business.

(d) Advertise the term “authorized retailer” if the retailer is not a manufacturer’s authorized retailer or advertise as a franchised retailer if the retailer is not a registered franchised retailer under 1974 PA 269, MCL 445.1501.

(e) Advertise a home by making inaccurate, misleading, or false comparisons with competitors' services, prices, products, quality, or business methods.

(f) Use a picture or photograph of a home in advertising if the picture or photograph does not represent a home of the same year of manufacture, make, and model and does not contain all the standard equipment of the model that is actually being offered for sale at the price quoted in the advertisement.

(g) Advertise a home for sale in a manner that conveys or creates an erroneous impression as to which home is being offered at the advertised price.

(h) Advertise the statement "write your own deal" or "name your own price" or similar statements, unless the statements are true and a buyer can, in fact, negotiate his or her own price.

(i) Advertise the phrase "at cost," "below cost," "below wholesale," "below invoice," "above cost," "above wholesale," or "above invoice" or similar phrases, unless the phrases are true. As used in this subsection, "cost" means the actual price paid by a retailer to a manufacturer for a specific home as that price appears on the retailer invoice received from the manufacturer.

(j) Advertise a specified trade-in amount or range of amounts for a pre-owned home without offering the advertised trade-in amount or range of amounts regardless of the condition of the pre-owned home when presented to the retailer for trade-in by a prospective customer, unless the statement "subject to condition appraisal" is contained in the advertisement.

(k) Advertise that "no retailer has lower prices," "the retailer is never undersold," or statements of similar meaning, unless the statements are true.

(l) Advertise in a manner that is false or misleading as to what a new home guarantee, warranty, or protection includes.

(m) Advertise the phrase "manufacturer's warranty," unless referring to a new home covered by a bona fide written manufacturer's warranty.

(n) Advertise equipment, accessories, or other merchandise as "free" if the cost, or any part of the cost, is included in the quoted price of the home.

(o) Advertise the phrase "no credit rejected" or "we finance everyone" or similar phrases, unless the phrases are true.

(p) Advertise the offering of a rebate or referral bonus unless true.

(q) Advertise a home as new, unless it has never been occupied. (r) Advertise, or infer by advertising, that a home is "repossessed," unless it is true.

(s) Advertise in any manner which infers that a purchaser will be receiving benefits of an existing loan on a home if the benefits do not exist.

(t) Advertise pre-owned homes as carrying an unused portion of the original manufacturer's warranty, unless this is true.

(u) Advertise the terms of financing a home, unless the advertisement is in compliance with all of the requirements of the federal truth in lending act, 15 U.S.C. §601 et seq., and the accompanying regulation Z, 12 C.F.R. part 226 et seq.

(v) Advertise under any other name than that which appears on the retailer license.

(w) Advertise for the buying of a home without the telephone number and the name of the retailer.

R 125.1403 Consumer deposits; providing consumer with executed purchase agreement; recording amount of consumer deposit; refunds; notice to consumer of intent to cancel purchase agreement; accepting deposits and agreements in name of retailer; escrow accounts; alternative to escrow account; notice of refund on purchase agreement.

Rule 403. (1) Before receiving a consumer deposit, a retailer shall give the consumer an executed purchase agreement.

(2) Unless the retailer has a consumer deposit bond or cash or security deposits under subrule (9) of this rule, a consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the retailer may transfer the deposit to a general account.

(3) A retailer shall record the exact amount of the consumer deposit on each request for financing that is sent to a lending institution.

(4) A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule (13) of this rule. The consumer shall notify the retailer, in writing, of his or her intent to cancel the purchase agreement. The notification shall be delivered to the retailer by certified mail postmarked before the close of the business day on the binding date to be eligible for return of the consumer deposit. A retailer has no obligation to refund the consumer deposit if the consumer cancels the purchase agreement of a new or pre-owned home after the binding date. As used in this subrule, “binding date” means either 7 days after the date that a purchaser of a home receives a legible copy of the executed purchase agreement or the time at which the purchase agreement is executed if an application for certificate of manufactured home ownership is executed within 7 days.

(5) An employee who accepts consumer deposits and purchase agreements in the name of a retailer is authorized by the retailer to accept the deposits.

(6) As a condition of licensing, a retailer shall establish an escrow account, post a consumer deposit bond, or deposit cash or other securities in compliance with the provisions of the act for the protection of consumer deposits received by the retailer.

(7) If a retailer establishes an escrow account, the retailer shall place all consumer cash deposits or similar negotiable instruments of the consumer’s deposit in the escrow account by the end of the second banking day following receipt. Escrow accounts shall be maintained as checking accounts.

(8) A retailer may maintain an escrow account at each location where it maintains records. A retailer may maintain not more than \$500.00 of its own funds in each deposit escrow account to cover bank service charges and to avoid the account being closed or overdrawn if there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as prescribed in these rules.

(9) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash deposits and cash value of other security recorded over the previous 3 years. If the highest monthly receipts formula is used to determine the amount of the bond or deposit, then the amount of the bond or deposit shall be adjusted to reflect the previous 3 years’ experience before a license is renewed. If at any time the consumer deposits received exceed the amount of the bond or deposit established under the formula, then the retailer shall immediately increase the amount of the bond or deposit or escrow the excess amount.

(10) If a retailer posts a bond or deposits cash or other securities, then the retailer who files an initial application shall maintain the bond, cash, or other securities at a minimum of \$10,000.00 per location until sufficient data is available to comply with the formula. If the retailer has more than 1 location, then the required bonds or deposits may be combined into 1 bond or deposit.

(11) All bonds shall be made payable to the “State of Michigan” on a form prescribed by the department and shall accompany an application for a retailer’s license. All cash or security deposits shall be deposited with the State of Michigan upon application for a retailer’s license. If the application is for a renewal license only, and if a copy of the bond is on file and the bond is continuous or if the cash or securities are on deposit, then this subrule shall not apply.

(12) If a retailer establishes an escrow account, then the retailer shall file, with the department, on a form prescribed by the department, an affidavit attesting to the fact that account has been established. The affidavit shall be filed as an enclosure to the retailer license application.

(13) The front of each purchase agreement shall contain the following statement in not less than 8-point, boldfaced, all caps type:

“Seven days after the purchaser receives a legible copy of the executed purchase agreement, or if any time within the 7 days an application for a certificate of manufactured home ownership is fully executed, the sale is final and the retailer is not obligated to refund the consumer deposit if the purchaser subsequently cancels the agreement. If the purchaser elects to cancel the purchase agreement within the 7 day limit and an application for a certificate of manufactured home ownership has not been fully executed, the purchaser shall notify the retailer in writing by certified mail postmarked before the end of the seventh day to be eligible for full refund of the consumer deposit.”

R 125.1408 Warranties and service.

Rule 408. (1) A manufacturer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations, promulgated under the national manufactured housing construction and safety standards act of 1974, and was delivered to the retailer in that condition. The standard is adopted by reference in R 125.1102 of these rules.

(2) A retailer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, as referenced in subrule (1) of this rule, which occurred after the manufacturer delivered the home to the retailer but before home installation begins.

(3) A manufacturer and retailer shall warrant that they shall take appropriate corrective action at the site of the home for breach of their respective warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase of the home. However, the purchaser must give written notice to the manufacturer or retailer not later than 1 year and 10 days after the date of completed installation or purchase.

(4) The warranty shall include the appliances situated in the home, unless the appliances are covered by a warranty from the appliance manufacturer that equals or exceeds the warranty provided in subrules (1), (2), and (3) of this rule.

PART 6. HOME INSTALLATION

R 125.1602 Installation.

Rule 602. (1) For all new homes brought into or sold in Michigan, the manufacturer shall provide express written instructions for the installation of each home specifying the location and required design load capacity of the piers and the location and the required design load capacity of any other recommended stabilizing systems, if required. All homes shall be installed according to the manufacturer’s installation instructions. The person installing a home has the option of installing a plastic vapor barrier on the ground under the home, unless the manufacturer’s installation instructions specifically mandate the placement of the vapor barrier. Crossbeaming shall not be allowed under a home installed after July 16, 1998, unless approved by the manufacturer of the home. In the case of a pre-owned home, the approval also may be given by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721.

(2) In the absence of the manufacturer’s installation instructions, the installation of homes shall be in compliance with specifications prepared by a licensed design professional registered in compliance with the requirements of 1980 PA 299, MCL 339.101 to 339.2721 or, if a licensed design professional is not available, in compliance with all of the following specifications:

(a) All grass shall be removed and the foundation footing shall be installed on or in stable soil.

(b) Piers shall be installed directly under each main frame beam, unless crossbeamed after approval from the manufacturer of the home or a licensed design professional registered in compliance with 1980 PA 299, MCL 339.101 to 339.2721.

(c) Footing and pier spacing shall not exceed the minimum span identified in table A-1 and a positive grade shall be established.

Table A-1

Soil Capacity	1500 PSF	2000 PSF	2500 PSF	3000 PSF	3500 PSF	4000 PSF
Footing Size (a)(f)	24"x24"x6"	22"x22"x6"	20"x20"x6"	18"x18"x6"	16"x16"x6"	16"x16"x6"
Spacing:						
Main Beams	6' (ii)(iii)	6' (ii)(iii)	6' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)
Perimeter	(v)	(v)	(v)	(v)	(v)	(v)
Marriage Beam	8' (ii)(iv)	8' (ii)(iv)	8' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)

(i) All footings shall extend 42 inches below actual grade. The footing may be less than the 42-inch depth if supported by a soil analysis. A footing shall be installed in compliance with R 408.30401 et seq. of the Michigan building code.

(ii) Piers shall be located under each main beam and marriage line beam starting within 2 feet from the end of each beam then spaced according to this table.

(iii) Piers may be offset up to 1 foot to allow for such obstruction as axles (if permanently attached to frame).

(iv) Additional piers shall be added on each end of every opening in the marriage wall which is 4 foot or larger and shall be considered columns.

(v) Perimeter piers shall be installed on sidewall openings greater than 4 foot and exterior doors.

(vi) Footing shape may be other than square. Maintain equal amount of footing area.

(d) Piers shall be installed under the center beam/marriage line of multisectional homes at all interior openings of more than 4 feet on the marriage wall and at each end of the marriage line.

(e) The piers nearest each end of the home shall be within 2 feet of either end of the home frame.

(f) Concrete block piers shall be constructed of at least 8-inch by 8-inch by 16-inch blocks and placed on the foundation footing. The blocks shall be placed with the open cells vertical. A cap shall be placed on top of the pier. A wood plate that has the same dimensions as the pier and cap may be placed on top of the cap for additional leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame I-beam and shall not take up more than 1 inch of vertical height.

(g) Pier tiering shall comply with all of the following requirements:

(i) Piers 30 inches in height or less above a footing may be single-tier construction composed of 8-inch by 8-inch by 16-inch open cell concrete blocks that conform to ASTM standard C 90-99. The standard is adopted by reference in R 125.1102 of these rules. Blocks shall be capped with 2-inch by 8-inch by

16-inch hardwood or treated wood, with a solid concrete block cap, or with a 1/4-inch solid steel plate. Blocks shall be set with the openings vertical.

(ii) Piers that are more than 30 inches in height above a footing shall be double-tier construction with blocks interlocked and capped with a 4-inch by 16-inch by 16-inch solid concrete cap.

(iii) The concrete blocks of double-tier piers that are more than 80 inches in height above a footing shall be filled with concrete and steel reinforcing rods.

(h) Piers shall be installed perpendicular to the main frame of the home and shall not be offset from the foundation footing.

(3) Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.

(4) A home shall not be placed in a designated floodway, as determined by the Michigan department of environmental quality.

(5) An anchoring system shall be installed on a home.

(6) Permits shall be obtained for the construction of footings and accessories and the installation of homes from the enforcing agency charged with the administration and enforcement of the codes pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531.

R 125.1605 Anchoring systems.

Rule 605. (1) A home anchoring system that is sold or manufactured or installed within this state shall be in compliance with all of the following provisions:

(a) Be designed and constructed in compliance with the United States department of housing and urban development standards entitled “Manufactured Home Construction and Safety Standards,” which are adopted by reference in R 125.1102 of these rules.

(b) Be installed in compliance with its manufacturer’s specifications.

(c) Be approved to be sold and for use within this state by the state construction code commission.

(2) An anchoring system that is sold in this state shall be certified, in writing, by its manufacturer as meeting the standards required by these rules.

(3) An anchoring system manufacturer shall furnish, and ship with each approved anchor system, information pertaining to the type or types of soil the system has been tested and certified to be installed in and instructions as to the method of installation and the periodic maintenance required.

(4) The model number shall be permanently marked on each anchor system.

R 125.1610 Heat tape; approval to be sold or for use.

Rule 610. Heat tape, also known as heating cable, shall not be sold or installed for use on a home by a person licensed under the act, unless the heat tape is approved to be sold or for use in this state by the state construction code commission under 1972 PA 230, MCL 125.1501 to 125.1531, and known as the Stille-DeRossett-Hale single state construction code act, and 1994 PA 129, MCL 125.2501 to 125.2508, and known as the heating cable safety act.

PART 7. COMMUNITY SAFETY

R 125.1701 Annual inspection.

Rule 701. (1) An annual inspection shall be conducted of a mobile home park or seasonal mobile home park, as prescribed in section 17 of the act.

(2) An inspection report shall document the findings of the inspection.

R 125.1701a Certification of status of compliance.

Rule 701a. (1) The initial certification of compliance shall be issued by the department of environmental quality when applicable.

(2) A mobile home park or seasonal mobile home park shall be reviewed annually. The review shall be based upon a completed annual inspection report and other pertinent information. The certification shall contain 1 of the following recommendations:

(a) The mobile home park or seasonal mobile home park is eligible for license renewal.

(b) The mobile home park or seasonal mobile home park is eligible for license renewal, provided that certain conditions are met. The conditions shall be listed on the certification.

(c) The mobile home park or seasonal mobile home park is not eligible for license renewal. Items not in compliance with the act or rules shall be listed on the certification. The applicant shall be notified of the items of noncompliance.

R 125.1702a Fire safety.

Rule 702a. The community management shall notify each resident in writing, upon occupancy, of all of the following:

(a) The home site shall be kept free of fire hazards, including combustible materials under the home.

(b) Fire hydrants shall be placed within a community according to local city or township ordinances. The vehicular parking on internal roads is prohibited within 15 feet of a hydrant in compliance with the requirements of 1949 PA 300, MCL 257.1 to 257.923.

(c) Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.

(d) 1974 PA 133, MCL 125.771 to 125.774 which provides for home fire protection, requires that all homes manufactured, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the state construction code commission. The homeowner of a home brought into this state for use as a dwelling shall have 90 days to comply with this act.

R 125.1703 Speed limits; traffic signs; internal road signs.

Rule 703. (1) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1.

(2) All internal roads shall be clearly marked with traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(3) Internal roads shall be named and so identified by signs located at all internal road intersections.

R 125.1705 Playgrounds and recreational and athletic areas.

Rule 705. (1) Each playground and recreational and athletic area shall be kept free of safety hazards. Playground equipment shall meet the American Society for Testing and Materials (ASTM) specification F1487-05, which is adopted by reference in R 125.1102 of these rules.

(2) Playground areas and equipment shall be inspected for defects by the community or its authorized representative once each calendar month when the playground equipment is in use. All defective equipment shall be removed, rendered unusable, or repaired immediately.

(3) A written record of the inspection shall be maintained at the community office. The record shall contain, but is not limited to, the date of inspection, defects noted, if any, date corrected, and the name of the individual performing the inspection. These records shall be maintained in accordance with R 125.2007.

R 125.1711 Floodplain limits.

Rule 711. A mobile home park or seasonal mobile home park shall be well drained. A pad, a dwelling unit, and a park maintenance and service building shall be above the elevation of the contour defining the flood plain limits for a hypothetical flood having a reoccurrence frequency of once in about 100 years. No portion of a street that provides access to a site in a mobile home park or seasonal mobile home park shall be at an elevation lower than 1 foot below the elevation of the 100-year contour.

R 125.1712 Street grade.

Rule 712. A street in a mobile home park or seasonal mobile home park shall be sloped at a minimum grade of 0.4 percent to an approved storm water catch basin or other approved outlet.

R 125.1713 Drainage swale; grade.

Rule 713. A grassed swale to conduct drainage shall have a minimum grade of not less than 1 percent.

R 125.1714 Site drainage.

Rule 714. (1) If possible, drainage from a mobile home site or other surface area shall be directed to the street but may be directed to an approved outlet when the site topography makes drainage to the street impractical. Drainage may be routed across adjacent lots to approved outlets. A mobile home pad shall be elevated not less than 6 inches above that portion of the street or the drainage outlet at the lot boundary to which the site drainage is directed.

(2) Storm sewers and storm water drainage systems shall be designed and installed according to the department of environmental quality R 325.3342 to R 325.3346. Storm sewers and storm water drainage systems shall be inspected by the department of labor and economic growth.

R 125.1715 Storage.

Rule 715. (1) A storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.

(2) Rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they shall be placed on a paved area that shall extend a minimum of 2 feet in all directions from the dumpsters. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.

(3) A storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.

(4) The storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.

R 125.1716 Frequency of removal.

Rule 716. Garbage and rubbish shall be removed from a mobile home park or seasonal mobile home park at least once a week, or more often if the container lid or lids will not properly close.

R 125.1717 Insect and rodent control.

Rule 717. The owner and manager of a mobile home park or seasonal mobile home park shall routinely inspect the park to observe any possible evidence of an insect or rodent infestation. When such evidence is found, measures compatible with proper pest control practice shall be taken to reduce the infestation to a level where insects or rodents no longer exert an adverse affect on the health and well-being of park residents.

R 125.1718 Operation, maintenance, and safety.

Rule 718. The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules.

R 125.1719. Water supply systems.

Rule 719. Water supply systems shall be designed and installed in accordance with the department of environmental quality R 325.3321. Water supply systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

R 125.1720. Sewage collection and disposal systems.

Rule 720. Sewage collection and disposal systems shall be designed, installed, and maintained in accordance with the department of environmental quality R 325.3331 to R 325.3335. Sewage collection and disposal systems not under the authority of the department of environmental quality shall be inspected by the department of labor and economic growth.

R 325.3347 Rescinded.

R 325.3348 Rescinded.

R 325.3349 Rescinded.

R 325.3351 Rescinded.

R 325.3353 Rescinded.

R 325.3361 Rescinded.

R 325.3363 Rescinded.

R 325.3371 Rescinded.

R 325.3372 Rescinded.

PART 9. COMMUNITY CONSTRUCTION

R 125.1901 Definitions.

Rule 901. As used in this part:

- (a) "Access point" means the main community ingress and egress road.
- (b) "Alley" means a public or private right-of-way that serves and is dedicated as rear access to a parcel or parcels of land.
- (c) "Ingress and egress road" means the internal road that connects a public road with the remainder of the internal road system of a community.
- (d) "Meter" means a nationally recognized and approved device that measures the quantity of water, electricity, natural gas, liquefied petroleum gas, or fuel oil used.
- (e) "Parking bay" means any area in which more than 2 parking spaces are provided other than on a home site.
- (f) "Plans approval and permit to construct" means a department order upon approval of an application for a plans approval and permit to construct that permits the construction of a community or home

condominium, permits a licensed community or existing home condominium to add home sites, or approves the as-built plans of a licensed community for subsequent conversion to a home condominium. The order also permits the construction within the community or condominium of optional improvements, but does not relieve the developer or owner from the responsibility of obtaining the required permits under other statutes or regulations pertaining to the optional improvement to be constructed. The order does not relieve the developer or owner from obtaining building, electrical, mechanical, and plumbing permits if required.

(g) “Public thoroughfare” means a public road that provides access to a community.

R 125.1904a Preliminary plan; disapproval.

Rule 904a. (1) A municipality, county road commission, county drain commissioner, or local health department shall not disapprove a preliminary plan, as defined in the act, based on a local standard that is higher than the standards contained in these rules, unless the higher standards are approved by the commission under the provisions of the act and R 125.1120.

(2) If a preliminary plan is disapproved by the agencies listed in subrule (1) of this rule based on a local standard which is higher than the standards contained in these rules and which has not been approved by the commission, then the developer may petition the commission for review of the disapproval under R 125.1130. If the commission finds that the local standards are in conflict with the standards contained in these rules, then the developer may substitute the commission’s finding for the disapproval of the agencies listed in subrule (1) of this rule under the act.

R 125.1905 Plans approval and permit to construct; application for approval; issuance of approval or intent to deny; validity; transferability.

Rule 905. (1) The department shall not issue a plans approval and permit to construct until all of the following are received from the developer and are approved by the department:

(a) Two copies of the community construction plans and specifications under R 125.1906 to R 125.1909.

(b) The fee specified in R 125.1315.

(c) On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

(2) All of the following exhibits shall be submitted with the application:

(a) Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.

(b) A soils analysis, which shall be provided by a professional engineer, shall state that the soils are sufficiently stable so as to support the home and the permanent foundation.

(c) Evidence of title to the property, such as title insurance, a deed, a land contract, an owner’s affidavit, or, if the property is not owned by the developer, the owner’s affidavit attesting to ownership and the granting of permission to develop the community project. If the developer has an option to purchase the property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

(3) Before the department issues a plans approval and permit to construct, the Michigan department of environmental quality shall issue to the department a construction plan approval pertaining to the public health aspects of the construction under the act, including all of the following approvals:

(a) Preliminary approvals of the local health department, county road commission, county drain commissioner, and municipality or an affidavit from the developer which states that the statutory time limit of 60 days, under the act, has expired without the unit of local government taking the appropriate action.

(b) Approval from the department of environmental quality, in compliance with the requirements of 1994 PA 451, MCL 324.101 to 324.90106 if the project lies in a floodplain.

(c) Approval from the department of environmental quality, in compliance with the requirements of 1979 PA 203, MCL 281.701 if the project lies in a wetlands area.

(4) The department shall issue a plans approval and permit to construct or intent to deny order within 90 days after receipt of a complete application or the plans are considered approved. The application shall be in compliance with the requirements in subrules (1), (2), and (3) of this rule.

(5) A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

(6) A permit to construct is transferable upon approval by the department.

(7) The department shall maintain the plans approval and permit to construct and a copy of the approved plans and specifications as a permanent record. A copy of the approved plans and specifications shall be at the construction site or readily available during construction.

R 125.1906 Construction plans; drawings; preparation and contents.

Rule 906. An architect or engineer who is licensed to practice in this state shall prepare the drawings that constitute the plans. More than 1 architect or engineer licensed in this state may prepare different segments of the same community construction plans. Submissions for review shall be 24-inch by 36-inch reproductions of original drawings. Each sheet shall contain the name of the community and the name and address of the firm responsible for the preparation of the sheet. The plans shall be sealed and signed by the licensee in responsible charge in accordance with 1980 PA 299, MCL 339.101 to 339.2721.

R 125.1908 Construction plans; contents.

Rule 908. (1) A complete set of community construction plans shall include specifications and working drawings. The documents shall show the design, location, dimensions, materials, quality of materials, and workmanship standards necessary to construct the proposed community as related to internal road construction, utilities construction, home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of community residents. Recreational facilities and any optional improvements shall be included in the plans. Specific plans shall include all of the following information:

(a) A cover sheet that contains all of the following:

(i) The name and location of the community.

(ii) A comprehensive sheet index.

(iii) List of abbreviations.

(iv) Schedule of symbols.

(v) A location map of the project depicting its relationship to the surrounding area.

(b) A site plan that shows all of the following:

(i) The location of all structures, sidewalks, internal roads, parking, and public road frontage.

(ii) The dimensions and identity of all existing and proposed easements and encroachments.

(iii) A survey bench mark shown by symbol and referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.

(iv) Identification of all contiguous properties or waterways.

(v) If the community lies within or abuts a 100-year floodplain, floodplain data showing the 100-year contour line to the point where it intersects with the boundaries of the community or its limits,

whichever is greater. Where a floodplain area exists, it shall be clearly labeled with the words “floodplain area.”

(c) A typical home site at an enlarged scale that shows all of the following:

- (i) Foundation construction.
 - (ii) Required distances from other structures under R 125.1941 except alterations to existing communities may comply with R 125.1947a(3).
 - (iii) Details and location of sewer and water connections.
 - (iv) Details and location of the utility pedestal.
 - (v) Home site parking and other improvements.
 - (vi) Details showing subsurface gas lines and electric lines.
- (d) Except in a seasonal community, a community lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements under R 125.1929. In a seasonal community, a community lighting plan showing the location of all light fixtures, if provided, and a detail of the fixture to be installed.
- (2) Where appropriate, plans may be combined if legibility is not impaired.
- (3) The plans shall contain site drainage details and locations in accordance with R 125.1711 to R 125.1714 of these rules.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920. (1) Internal roads shall be approved by the department when they are in compliance with all of the following general requirements:

- (a) Internal roads shall be constructed in compliance with R 125.1922(1).
- (b) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.
- (c) Dead end internal roads shall terminate with one of the configurations listed in the 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, which is adopted by reference in R 125.1102 of these rules.

Parking shall not be permitted within the turning area, which shall be posted within the turning area.

- (d) A safe-sight distance of 200 feet shall be provided at intersections.
- (e) Offsets at intersections or intersections of more than 2 internal roads are prohibited.
- (f) Internal roads shall have driving surfaces with widths not less than the following:
 - (i) No parking.....21 feet.
 - (ii) Parallel parking, 1 side.....31 feet.
 - (iii) Parallel parking, 2 sides.....41 feet.
- (2) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road and shall be constructed as follows:
 - (a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.
 - (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
 - (d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

R 125.1922 Internal roads; construction materials.

Rule 922. (1) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the guide for design of pavement structures, as published by the American association of state highway and transportation officials (AASHTO), which is adopted by reference in R 125.1102 of these rules.

(2) The community developer may use other suitable materials of equal quality if approved by the department.

R 125.1940a Water system meters.

Rule 940a. (1) Water meter installation shall be in compliance with R 325.3321 and shall be approved by the Michigan department of environmental quality.

(2) All water meters shall be in compliance with the requirements of American water works association standards C700-02, entitled “Cold Water Meters – Displacement Type;” C708-05, entitled “Cold Water Meters – Multijet Type;” and C710-02, entitled “Cold Water Meters – Displacement Type Plastic Main Case” . These standards are adopted in R 125.1102 of these rules by reference .

R 125.1947a Communities constructed pursuant to previous acts or local ordinances, or both.

Rule 947a. (1) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time these of rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules. Amendments to the community construction standards in these rules do not apply to complete applications for plans approval and permits to construct received by the department before the effective date of such amendatory rules.

(2) A community that expands shall conform to all the requirements pertaining to community construction in these rules for the expansion.

(3) A community constructed according to the standards in previous acts, rules, or local ordinances shall be maintained or altered in a manner consistent with the standards in effect at the time of original construction, including but not limited to spacing of homes, road widths and sizing and design of community infrastructure, with the following exceptions:

(a) A community shall be adequately lighted during darkness.

(b) If individual home site meters are installed, then the installation shall be in compliance with R 125.1932, R 125.1934, and R 125.1935.

(c) Meters that are owned by the community shall be calibrated in compliance with R 125.1938.

(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are considered obstructions in the 10-foot side yard space. All other structures or vegetation are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

R 125.1950 Existing communities; construction; permit to construct; alterations.

Rule 950. (1) An application for a permit to construct shall be filed with the department for all construction projects that alter an existing community in any manner materially different from the community construction plans and specifications approved under 1939 PA 143, MCL 125.751 to 125.769 or 1959 PA 243, MCL 125.1001 to 125.1097. The following provisions apply:

(a) Alteration projects include, but are not limited to, upgrading, installing, expanding, or removing common utility service systems, community lighting systems, or internal roads.

(b) No permit to construct is required for the following, which are not considered alteration projects: Removal or replacement of existing homes, or the reconstruction, relocation, or replacement of existing utility lines from the individual service panel to the home sites.

(c) A community licensed under the construction standards of previous acts and rules for which a license was legally issued and valid at the time of these rules, or any subsequent amendment of these rules is not required to fulfill the current requirements for community construction in these rules or the amendments hereto for any alteration projects.

(2) The department shall not issue a permit to construct until all of the following are received:

(a) From the applicant, and as approved by the department, all of the following items:

(i) Construction plans and specifications.

(ii) On a form prescribed by the department, an application completely and accurately filled out and executed.

(iii) The fee as specified in R 125.1315(4).

(b) From the department of environmental quality, both of the following approvals:

(i) Approvals of the local health department, county drain commissioner, county road commission, and municipality, if appropriate.

(ii) Approval by the department of environmental quality for matters pertaining to on-site water supply, sewage collection and disposal.

(3) An application shall not be considered complete until all items referred to in subrule (2) of this rule have been received. This rule does not exempt the community from inspection requirements that are required by other laws, rules, or local ordinances as they apply to the specific project.

(4) The department shall issue a permit to construct or an intent to deny order within 45 days after receipt of a complete application.

PART 10. COMMUNITY BUSINESS PRACTICES

R 125.2001 Definitions.

Rule 1001. (1) As used in this part:

(a) “Community rules” means a written document promulgated by the community which regulates all of the following and which includes the informational and disclosure items specified in R 125.2006:

(i) Yard maintenance.

(ii) Automobiles.

(iii) Children.

(iv) Pets.

(v) Guests.

(vi) Garbage and rubbish disposal.

(vii) Rental payments.

(viii) Other conditions of tenancy.

(b) “Inventory checklist” means the identical written form used at the commencement and termination of tenancy that records the condition of all items on the home site which are owned by the community, including, but not limited to all of the following:

(i) Building envelopes.

(ii) Utility hookups.

(iii) Patios.

(iv) Driveways.

(v) Parking spaces.

(vi) Sewer connections.

(c) “Lease” means a written agreement for the use, possession, and occupancy of a home site or home, or both, which contains all conditions of tenancy and which may include the community rules and regulations.

(d) “Rent” means any consideration paid by a resident for the right to use, possess, and occupy a home site or home, or both, and other facilities made available to the resident by the community.

(e) “Security deposit” means a deposit, in any amount, paid by the resident to the landlord or its agent to be held for the term of the rental agreement, or any part thereof. “Security deposit” includes any of the following:

- (i) Any required prepayment of rent other than the first full rental period of the lease.
- (ii) Any sum required to be paid as rent in any rental period in excess of the average rent for the term.
- (iii) Any other amount of money or property that is returnable to the resident on the condition of return of the rental unit by the resident in the condition required by the rental agreement. “Security deposit” does not include an amount paid for an option to purchase under a lease with an option to purchase, unless it is shown that the intent was to evade the act.

(2) As used in the act:

(a) “Entrance fee” means a fee charged by a community as a condition precedent to the right to reside in the community, including a community requirement for resident paid for or provided landscaping or underground sprinkling systems, or both. The term does not include any of the following:

- (i) Security deposits.
- (ii) Fees and taxes charged by a unit of government, except for fees and taxes to be paid by the community that are related to capital improvements.
- (iii) Deposits for service charged by public utilities.
- (iv) Utility charges billed directly to the resident by the community.
- (v) Rent.
- (vi) Actual cost of a credit report, if one is obtained.
- (vii) Nonrefundable cleaning fee as allowed by law.
- (viii) A community requirement that a current or prospective resident, a retailer, or an installer and servicer pay for changing the electrical service provided to the home from the electrical pedestal disconnect box if the change is necessary to meet the Michigan electrical code, R 408.30801 et seq. for service to the home. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.
- (ix) A community-required payment for the part of a foundation system that is more than 66 feet in length for a single section home and 56 feet in length for a multiple section home. The home lengths may be altered annually by the commission through an interpretive statement. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site. This exemption applies to foundation systems on new home sites in communities whose applications for permits to construct were received after June 29, 1994.

(x) A community-required payment for the part of a foundation system in excess of that which exists on a previously occupied home site. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xi) A community-required payment for a foundation system that is approved by the department for use in the community, but not provided by the community. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(xii) Other fees as determined by the commission by declaratory ruling or interpretive statement.

(b) “Exit fee” means any fee charged by a community as a condition precedent to the right to terminate tenancy. This does not foreclose the right of the community to retain the security deposit in compliance with the requirements of 1972 PA 348, MCL 554.601 to 554.616.

R 125.2001a Inspections; inspection standards.

Rule 1001a. Before a home is offered for sale or placement of a “For Sale” sign, a home shall be inspected if required by the community rules. The inspection shall be in compliance with the act and shall be valid for 1 year. The inspection standards shall be stated in the community rules and met by a majority of the homes in the community.

R 125.2005a Buyer’s and resident’s handbook.

Rule 1005a. A manufactured home buyer’s and resident’s handbook shall be provided by retailers to home purchasers at the time a purchase agreement is executed and by communities to prospective residents at the time an application for residency is signed. The handbook shall be available from the department, on the department’s internet site at www.michigan.gov/bcc, and linking to publications in the left column.

R 125.2006a Water meter installation disclosure.

Rule 1006a. If the community converts its water metering to individual site metering, then the community shall notify each then-current resident, in writing, not less than 30 days before providing water for which an invoice is rendered following meter installation. The disclosure shall include, but not be limited to, all of the following items:

- (a) The water and sewer rate per thousand gallons or in the units measured by the meter.
- (b) All additional charges.
- (c) Minimum fees.
- (d) Shutoff procedures.
- (e) Installation procedures.
- (f) Payment procedures, including the billing period and due dates and a requirement that bills include beginning and ending meter readings and total usage.
- (g) Rate change procedures.
- (h) A statement that the community shall provide a state-approved and properly functioning heat tape and shall be maintained by the community for a period of not less than 1 year.

ADMINISTRATIVE RULES

SOAHR #2006-073
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION
GREAT LAKES BOTTOMLANDS PRESERVES

Filed with the Secretary of State on June 6, 2008

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of environmental quality by section 76111 of 1994 PA 451, MCL 324.76111.)

R299.6012 is added to the Michigan Administrative Code as follows:

R 299.6012 Grand Traverse Bay Great Lakes state bottomland preserve; establishment.

Rule 12. (1) The following described area is established as the Grand Traverse Bay Great Lakes state bottomland preserve:

An area of Lake Michigan bottomlands including the water surface described as: beginning at the point where the northernmost portion of Cathead Point, Leelanau County intersects the Ordinary High Water Mark (OHWM) of Lake Michigan (approximately 45°11'15"N, -85°37'04"W), thence northeasterly to a point in Lake Michigan lying at 45°13'54"N, -85°33'14"W (north of Lighthouse Point, Leelanau County) thence proceeding easterly along latitude line 45°13'54"N until it intersects the OHWM in Charlevoix County (approximately 45°13'54"N, -85°23'19"W, north of Norwood), thence along the OHWM of Grand Traverse Bay generally southerly, westerly, and northerly, to the point of beginning, including all of the West and East arm of Grand Traverse Bay, excluding all islands above the ordinary high waterline of Lake Michigan and previously conveyed areas, containing 295 square miles, more or less.

ADMINISTRATIVE RULES

SOAHR #2006-081
MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on June 4, 2008

These rules become effective 14 days after filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 408.1016, 408.1021, 445.2001, and 445.2011)

R 408.15801, R 408.15803, R 408.15804, R 408.15805, R 408.15811, R 408.15812, R 408.15821, R 408.15825, R 408.15831, R 408.15832, and R 408.15833 of the Michigan Administrative Code are amended, and, R 408.15802, R 408.15810, R 408.15815, R 408.15817, R 408.15836, R 408.15839, and R 408.15842 are added; and R 408.15823, R 408.15824, and R 408.15830 are rescinded as follows:

PART 58. AERIAL WORK PLATFORMS

GENERAL PROVISIONS

R 408.15801. Scope.

Rule 5801. (1) These rules apply to the construction, operation, maintenance, and inspection of aerial work platforms with either manual or powered mobility. These rules do not apply to construction operations as defined by 1974 PA 154, MCL 408.1001 to MCL 408.1094.

(2) Fire fighting equipment and powered industrial trucks are not included in these rules but are provided for in general industry safety standards Part 74, "Fire Fighting," R 408.17401 to R 408.17464, and Part 21. "Powered Industrial Trucks," R 408.12101 to R 408.12193.

R 408.15802 Equipment covered.

Rule 5802. These rules apply to equipment that has a primary function of elevating personnel, together with their tools and necessary materials, on a platform, which is mechanically positioned. The units covered are described by the following American National Standards Institute Standards:

(a) ANSI standard A92.2 2002 edition, "Vehicle-Mounted Elevating and Rotating Aerial Devices," which is adopted by reference in R 408.15810. This standard applies to vehicle-mounted devices installed on commercial chassis and covers the following type of units (See figure 1):

- (i) Extensible boom aerial devices
- (ii) Aerial ladders.
- (iii) Articulating boom aerial devices.
- (iv) Vertical towers.
- (v) A combination of any of the equipment specified in paragraphs (i) to (iv) of this subdivision.

(b) ANSI standard A92.3 2006 edition, "Manually Propelled Elevating Aerial Platforms", which is adopted by reference in R 408.15810. This standard applies to work platforms which are manually propelled, which are vertically adjustable by manual or powered means, and which may be towed or manually moved horizontally on wheels or casters that are an integral part of the work platform base. (See figure 2).

(c) ANSI standard A92.5 2006 edition, "Boom-Supported Elevating Work Platforms", which is adopted by reference in R 408.15810. This standard applies to all integral frame, boom-supported elevating work platforms which telescope, articulate, rotate, or extend beyond the base dimensions. (See figure 3).

(d) ANSI standard A92.6 1999 edition, "Self-Propelled Elevating Work Platforms," which is adopted by reference in R 408.15810. This standard applies to self-propelled vertically adjustable integral chassis work platforms. Such work platforms are power operated with primary controls for all movement operated from the platform. (See figure 4).

R 408.15803 Definitions; A to I.

Rule 5803. (1) "Aerial device" or "aerial work platform" means an entire device that is designed and manufactured to raise personnel to an elevated work position on a platform supported by scissors, masts, or booms; or any vehicle-mounted device, telescoping or articulating or both, which is used to position an employee.

(2) "Aerial ladder" means an aerial device consisting of a single- or multiple-section extensible ladder.

(3) "Articulating boom platform" means an aerial device with 2 or more hinged boom sections.

(4) "Authorized person" means a person who is approved and assigned to perform specific types of duties by the employer and who is qualified to perform those duties because of his or her training or experience.

(5) "Commercial chassis" means a vehicle that is built for over-the-road (roadway) travel.

(6) "Exposed power line" means a power line that is not isolated or guarded.

(7) "Extensible boom platform" means an aerial device, except ladders, with a telescopic or extensible boom. A telescopic derrick with a personnel platform attachment shall be considered to be an extensible boom platform when used with a personnel platform.

(8) "Insulated aerial device" means an aerial device designed for work on or near energized lines and apparatus.

R 408.15804. Definitions M to Q.

Rule 5804. (1) "Mechanically positioned" means that the elevating assembly, whether a mechanical (cable or chain), hydraulic, pneumatic, electric or other powered mechanism, is used to raise or lower the platform.

(2) "Mobile unit" means a combination of an aerial device, vehicle and related equipment.

(3) "Override" means to transfer or to take away platform control functions by another station.

(4) "Platform" means the portion of an aerial work platform, such as a bucket, basket, stand, cage, or the equivalent, that is designed to be occupied by personnel.

(5) "Power line" means a distribution or transmission electrical line.

(6) "Qualified line clearance tree trimmer" means an employee trained to work in proximity of energized power transmission and distribution lines. An employee in a training program is included in this definition.

(7) "Qualified lineman" means an employee trained and authorized to work on or near energized lines. An employee in a training program is included in this definition.

(8) "Qualified person" means a person who possesses a recognized degree, certificate, professional standing, or skill and who, by knowledge, training, and experience, has demonstrated the ability to deal with problems relating to the subject matter, the work, or the project.

(9) "Qualified telecommunications employee" means an employee trained to work on communication lines in the proximity of energized power transmission and distribution lines.

R 408.15805 Definitions; S to Y.

Rule 5805. (1) "Safety factor" means the ratio of the braking strength of a piece of material or object to maximum designed load or stress applied when in use.

(2) "Vehicle" means any carrier that is not manually propelled.

(3) "Vehicle-mounted elevating and rotating work platform" means an aerial device or aerial work platform.

(4) "Vertical tower" means an aerial device designed to elevate a platform in a substantially vertical axis on a level surface.

(5) "Yield point" means the point where material begins to take a permanent deformation.

R 408.15810. Adoption of standards by reference; access to other MIOSHA rules.

Rule 5810. (1) The standards specified in this rule, except for the standards specified in subrule (2) of this rule, are adopted by reference.

(a) The following ANSI standards are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>; at a cost, as of the time of adoption of these rules, as stated in this subrule:

(i) American National Standard Institute Standard ANSI A92.2, "Standard for Vehicle-Mounted Elevating and Rotating Work Platforms," 1969 edition. Cost: \$20.00.

(ii) American National Standard Institute Standard ANSI A92.2, "Vehicle-Mounted Elevating and Rotating Aerial Devices," 2002 edition. Cost: \$68.00.

(iii) American National Standard Institute Standard ANSI A92.3, "Manually Propelled Elevating Work Platforms", 1990 edition. Cost: \$68.00.

(iv) American National Standard Institute Standard ANSI A92.3, "Manually Propelled Elevating Aerial Platforms", 2006 edition. Cost: \$68.00.

(v) American National Standard Institute Standard ANSI A92.5, "Boom-Supported Elevating Work Platforms", 1992 edition. Cost: \$68.00.

(vi) American National Standard Institute Standard ANSI A92.5, "Boom-Supported Elevating Work Platforms", 2006 edition. Cost: \$68.00.

(vii) American National Standard Institute Standard ANSI A92.6, "Self-Propelled Elevating Work Platforms," 1999 edition. Cost: \$68.00.

(b) Part 6: Temporary Traffic Control of the Manual on Uniform Traffic Control Devices for Streets and Highways, 2005 Michigan MUTCD/2003 Federal Edition, is adopted by reference in these rules and is available at no cost from the Michigan Department of Transportation via the internet at website: www.michigan.gov/mdot. The entire 2005 MMUTCD may be purchased from Michigan Technological University, Local Technical Assistance Program, Room 309 Dillman Building, 1400 Townsend Drive, Houghton, Michigan, 49931; (906) 487-2102; at a cost of \$135.00 as of the time of publication of these rules.

(c) The standards adopted in subrule 1(a) and (b) of this rule are also available for inspection at the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(d) Copies of the standards adopted in subrule 1(a) and (b) of this rule may be obtained quickest from the publisher or may also be obtained from the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in subrule 1(a) and (b) of this rule, plus \$20 for shipping and handling.

(2) The following Michigan Occupational Safety and Health Standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at web-site: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 7. Guards for Power Transmission, R 408.10701 to R 408.10765.

(b) General Industry Safety Standard Part 21. Powered Industrial Trucks, R 408.12101 to R 408.12193.

(c) General Industry Safety Standard Part 33. Personal Protective Equipment, R 408.13301 to R 408.13398.

(d) General Industry Safety Standard Part 53. Tree Trimming and Removal, R 408.15301 to R 408.15363,

(e) General Industry Safety Standard Part 74. Fire Fighting, R 408.17401 to R 408.17464.

(f) Construction Safety Standard Part 22. Signals, Signs, Tags, and Barricades, R 408.42201 to R 408.42243.

(g) Construction Safety Standard Part 45. Fall Protection, R 408.44501 to R 408.44502.

R 408.15811. Employer responsibility.

Rule 5811. An employer shall do all of the following:

(a) Provide training to employees in the operations, hazards, safeguards, and safe practices described in these rules by a qualified person.

(b) Ensure that employees do not engage in the activities to which these rules apply until such employees have received training.

(c) Maintain an aerial device in a condition free of known defects and hazards, which could cause an injury.

R 408.15812. Employee responsibility.

Rule 5812. An employee shall do both of the following:

(a) Operate an aerial device only after being trained in the operations, hazards, safeguards, and safe practices required by these rules by a qualified person and authorized by the employer.

(b) Report known defects and hazards concerning an aerial device to the supervisor.

R 408.15815. Training; permits.

Rule 5815. (1) An employer shall provide each employee who will operate the aerial work platform with instruction and training regarding the equipment before a permit is issued or reissued. Such instruction and training shall include the following:

(a) Instruction by a qualified person in the intended purpose and function of each of the controls.

(b) Training by a qualified person or reading and understanding the manufacturer's or owner's operating instructions and safety rules.

(c) Understanding by reading or by having a qualified person explain, all decals, warnings, and instructions displayed on the aerial work platform.

(d) Reading and understanding the provisions of this subrule and subrules (1) to (9) of this rule or be trained by a qualified person on their content.

(2) An employer shall provide the operator of an aerial work platform with an aerial work platform permit.

(3) The requirements of subrule (1)(a), (b), (c), and (d) of this rule shall be met before an employee is issued a permit.

(4) A permit shall be carried by the operator or be available at the job site/work place and shall be displayed upon request by a department of labor and economic growth representative.

(5) A permit shall indicate the type of aerial work platforms an operator has been trained on and is qualified to operate.

(6) A permit to operate an aerial work platform is valid only when performing work for the employer who issued the permit. A permit shall be issued for a period of not more than 3 years.

(7) A permit shall contain all of the following information (see sample permit):

(a) Firm name.

(b) Operator's name.

(c) Name of issuing authority. (Authorized by).

(d) The following types of aerial work platforms the operator is authorized to operate:

(i) Vehicle-mounted elevating work platform such as:

(1) Extensible boom aerial devices.

(2) Aerial ladders.

(3) Articulating boom aerial devices.

(4) Vertical towers.

(ii) Manually propelled elevating work platforms.

(iii) Boom-supported elevating work platforms.

(iv) Self-propelled elevating work platforms.

(e) Date issued.

(f) Expiration date.

(8) A sample permit is set forth as follows:

SAMPLE PERMIT

AERIAL WORK PLATFORM PERMIT			
(Firm Name)			
<hr/>			
(Employee Name)			
<hr/>			
Type of aerial work platform to operate:			
Date Issued	Type	Authorized by:	Expiration Date:
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>

(9) The manufacturer's operating instructions and safety rules shall be provided and maintained in a legible manner on each unit by the employer.

R 408.15817. Preoperational procedures; platform inspections.

Rule 5817. (1) An operator shall inspect an aerial work platform for defects that would affect its safe operation and use before it is used on each work shift. The visual inspection shall consist of all of the following procedures:

- (a) Visual inspection for all of the following:
 - (i) Cracked welds.
 - (ii) Bent or broken structural members.
 - (iii) Hydraulic or fuel leaks.
 - (iv) Damaged controls and cables.
 - (v) Loose wires.
 - (vi) Tire condition.
 - (vii) Fuel and hydraulic fluid levels.
 - (viii) Slippery conditions on the platform.
 - (b) Operate all platform and ground controls to ensure that they perform their intended function.
- (2) Before the aerial work platform is used, and during use on the job site/work place, the operator shall inspect for all of the following:
- (a) Ditches.
 - (b) Drop-offs.
 - (c) Holes.
 - (d) Bumps and floor obstructions.
 - (e) Debris.
 - (f) Overhead obstructions.
 - (g) Power lines.
 - (h) Similar conditions to those specified in subdivisions (a) to (g) of this subrule. The area around the aerial work platform shall also be inspected to assure clearance for the platform and other parts of the unit.
- (3) All unsafe items found as a result of the inspection of the aerial work platform or work area shall be corrected before further use of the aerial work platform.
- (4) The employer shall ensure before the commencement of operations near power lines and when the clearances cannot be maintained as specified in Tables 1-3, that the owner, owner representative, or utility are notified with all pertinent information about the job.
- (5) Any overhead wire shall be considered to be an energized line until the owner of the line, his or her authorized representative, or a utility representative assures one of the following:
- (a) The line is de-energized and has been visibly grounded.
 - (b) The line is insulated for the system voltages and the task will not compromise the insulation of the conductor and/or cause an electrical hazard.

CONSTRUCTION, TESTING, AND USE PROVISIONS

R 408.15821. Construction, modification, and remounting.

Rule 5821. (1) Aerial work platforms modified, remounted, designed, constructed, and tested after December 28, 1974, but before the effective date of this rule, shall be in compliance with the requirements of the following applicable American National Standards Institute Standards:

- (a) ANSI standard A92.2, "Standard for Vehicle-Mounted Elevating and Rotating Work Platforms," 1969 edition.
- (b) ANSI standard A92.3, "Manually Propelled Elevating Work Platforms", 1990 edition.

(c) ANSI standard A92.5, "Boom-Supported Elevating Work Platforms", 1992 edition.

(d) ANSI standard A92.6, "Self-Propelled Elevating Work Platforms", 1999 edition.

These standards are adopted by reference in R 408.15810.

(2) A permanent label or tag shall be affixed to an aerial work platform modified, remounted, designed, constructed, or tested after March 28, 1975, but before the effective date of these rules, certifying compliance with subrule (1) of this rule.

(3) Aerial work platforms modified, remounted, designed, constructed, and tested, after January 1, 2007, shall be in compliance with the requirements of the following applicable American National Standards Institute Standards:

(a) ANSI standard A92.2, "Vehicle-Mounted Elevating and Rotating Aerial Devices", 2002 edition.

(b) ANSI standard A92.3, "Manually Propelled Elevating Aerial Platforms", 2006 edition.

(c) ANSI standard A92.5, "Boom-Supported Elevating Work Platforms", 2006 edition.

(d) ANSI standard A92.6, "Self-Propelled Elevating Work Platforms", 1999 edition.

These standards are adopted by reference in R 408.15810.

(4) An aerial work platform shall bear a permanent plate stating the designed rating capacity.

(5) An aerial work platform shall be mounted on a vehicle capable of sustaining, or reinforced to sustain, the imposed load. The vehicle shall be a stable support for the aerial device.

(6) The lifting and outrigger system of an aerial work platform shall be equipped with a means, such as but not limited to, a pilot operated check valve to ensure that the system will not permit the work platform to drop in a free fall in event of a power or hydraulic line failure.

(7) Aerial work platforms shall not be field-modified for uses other than those intended by the manufacturer, unless the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in compliance with the applicable ANSI standard and this rule, and to be at least as safe as the equipment was before modification.

R 408.15823 RESCINDED.

R 408.15824 RESCINDED.

R 408.15825 Controls.

Rule 5825. (1) All of the following information shall be clearly marked in a permanent manner on each aerial work platform:

(a) Special workings, cautions, or restrictions necessary for operation.

(b) Rated work load.

(c) A clear statement if the aerial work platform is electrically insulated.

(2) Directional controls shall be in compliance with all of the following provisions:

(a) Be of the type that will automatically return to the off or neutral position when released.

(b) Be protected against inadvertent operation.

(c) Be clearly marked as to their intended function.

(3) An overriding control shall be provided in the platform which must be continuously activated for platform directional controls to be operational and which automatically returns to the off position when released.

(4) Articulating, extensible boom platforms, or both, primarily designed as personnel carriers, shall be equipped with both upper and lower controls.

(5) Upper controls shall be located within reach of the operator.

(6) Aerial work platforms shall be equipped with emergency controls at ground level.

(7) Emergency ground level controls shall be clearly marked as to their intended function and be capable of overriding the platform controls.

(8) Rotating shafts, gears, and other moving parts that are exposed to contact shall be guarded as prescribed in general industry safety standard, Part 7. "Guards for Power Transmission", R 408.10701 to R 408.10765.

(9) Attachment points shall be provided for fall protection devices for personnel who occupy the platform on aerial work platforms described in the provisions of R 408.15802 (a) and (c). (See figures 1 and 3).

R 408.15830. RESCINDED.

R 408.15831. Inspection, maintenance; testing.

Rule 5831. (1) An employer shall comply with all of the following requirements:

(a) Each aerial work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturers or owner's operating or maintenance and repair manual or manuals.

(b) Any aerial work platform found not to be in a safe operating condition shall be removed from service until repaired. All repairs shall be made by an authorized person in accordance with the manufacturer's or owner's operating or maintenance and repair manual or manuals.

(c) If the aerial work platform is rated and used as an insulated aerial device, the electrical insulating components shall be tested for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2 2002 edition "Vehicle-Mounted Elevating and Rotating Aerial Devices," which is adopted by reference in R 408.15810. Testing shall comply with all of the following provisions:

(i) The test shall be performed not less than annually.

(ii) Written, dated, and signed test reports shall be made available by the employer for examination by a department representative.

(iii) The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.

(d) All danger, caution, and control markings and operational plates shall be legible and not obscured.

R 408.15832. Electrical hazards.

Rule 5832. (1) The employer shall ensure that an aerial work platform shall be operated so that the distances from energized power lines and equipment prescribed in Table 1 are maintained, except for the following:

(a) As prescribed in subrule (2) of this rule addressing tree trimming.

(b) As prescribed in subrule (3) of this rule addressing telecommunications.

(c) Where insulating barriers are not a part of or an attachment to the aerial device that has been erected to prevent physical contact with the lines.

(2) A qualified lineman or a qualified line clearance tree trimmer, as prescribed in General Industry Safety Standard Part 53 "Tree Trimming and Removal" R 408.15301 to R 408.15363, shall maintain distances as prescribed in Table 2 when performing work from an aerial work platform on or near an exposed power line unless any of the following conditions exist:

(a) The employee is insulated or guarded from the energized part by gloves or gloves and sleeves, as provided for and prescribed in General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.

(b) The employee is insulated, isolated, or guarded from any other conductive part.

(c) The energized part is insulated from the employee.

(3) A qualified telecommunications employee shall maintain the distances prescribed in Table 3 when working from an aerial lift, unless the employee is insulated, isolated, or guarded from any other conductive part or the energized part is insulated from the employee.

(4) Employees shall use insulated bucket, gloves, and sleeves that are rated at more than the voltage to be worked on or that with which they might come into contact, to comply with subrules (2) and (3) of this rule.

(5) The clearances, as prescribed in Tables 1-3, do not apply when the owner of the line or his or her authorized representative, or a utility representative assures that the conductor is insulated for the system voltages and the task will not compromise the insulation of the conductor and/or cause an electrical hazard.

(6) Tables 1, 2, and 3 read as follows:

Table 1
Minimum Clearance Distances for Equipment

Voltage	Clearance With Boom Raised	Clearance Boom Lowered and No Load in Transit
To 50 kV	10 feet	4 feet
Over 50 kV	10 feet + .4 inch per each 1 kV over 50 kV	10 feet
50 to 345 kV	--	10 feet
346 to 750 kV	--	15 feet

Table 2
Minimum Working Distances for
Qualified Line-Clearance Tree Trimmers and Qualified Linemen

Voltage Range Phase to Phase (kilovolts)	Minimum Working Distance
2.1 to 15.0	2 feet 0 inches (61 cm)
15.1 to 35.0	2 feet 4 inches (71 cm)
35.1 to 46.0	2 feet 6 inches (76 cm)
46.1 to 72.5	3 feet 0 inches (91 cm)
72.6 to 121.0	3 feet 4 inches (102 cm)
138.0 to 145.0	3 feet 6 inches (107 cm)
161.0 to 169.0	3 feet 8 inches (112 cm)
230.0 to 242.0	5 feet 0 inches (152 cm)
345.0 to 362.0	*7 feet 0 inches (213 cm)
550.0 to 552.0	*11 feet 0 inches (335 cm)
700.0 to 765.0	*15 feet 0 inches (457 cm)

*Note: For 345-362 kV., 500-552 kV., and 700-765 kV., the minimum working distance and the minimum clear hot stick distance may be reduced that such distances are not less than the shortest distance between the energized part and a grounded surface.

Table 3
Minimum Approach Distances for
Qualified Telecommunications Employees

Voltage Range (Nominal Phase to Phase)	Minimum Approach Distances
300 V and less	1 foot - 0 inches (30.5 cm)
Over 300 V, not over 750 V	1 foot - 6 inches (46 cm)
Over 750 V, not over 2 kV	2 feet - 0 inches (61 cm)
Over 2 kV, not over 15 kV	3 feet - 0 inches (91 cm)
Over 15 kV, not over 37 kV	3 feet – 6 inches (107 cm)
Over 37 kV, not over 87.5 kV	4 feet – 0 inches (122 cm)
Over 87.5 kV, not over 121 kV	4 feet – 6 inches (137 cm)
Over 121 kV, not over 140 kV	—

R 408.15833 Vehicles; traffic control.

Rule 5833. (1) Before moving a vehicle supporting an aerial ladder for highway travel, employees shall secure ladders in the lower position, and shall use the manually operated device at the base of the ladder, or other effective means to prevent elevation or rotation of the ladder.

(2) Before moving a vehicle supporting an aerial lift for travel, employees shall inspect the boom to ensure that it is properly cradled and the outriggers are in the stowed position, except as provided in subrule (3) of this rule.

(3) When a boom is elevated with employees in working position, the vehicle supporting an aerial device shall not be moved unless the equipment is specifically designed for this type of operation and meets the requirements of R 408.15821.

(4) Before and during travel, except as provided for horizontal movement in R 408.15839 (9), an operator shall do all of the following:

- (a) Inspect to see that booms, platforms, aerial ladders, or towers are properly cradled or secured.
- (b) Ensure that outriggers are in a stored position.
- (c) Limit travel speed according to the following factors:
 - (i) Condition of the surface.
 - (ii) Congestion.
 - (iii) Slope.
 - (iv) Location of personnel.
 - (v) Other hazards.

(5) An employer shall ensure that operators of an aerial work platform over or adjacent to any public or private roadway maintain adequate clearances of all portions of the aerial work platform to prevent being struck by vehicular traffic.

(6) When aerial work platforms are in use, all traffic control requirements shall be in compliance with Part 6 of the 2005 Michigan Manual on Uniform Traffic Control Devices (MMUTCD), which is adopted in R 408.15810, and Construction Safety Part 22. Signals, Signs, Tags, and Barricades, R 408.42201 to R 408.42243.

R 408.15836. Fall protection.

Rule 5836 (1) The employer shall provide a safety harness that has a lanyard which is in compliance with construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer. Any occupant of an aerial work platform described in the provisions of R 408.15802(a) and (c) and figures 1 and 3 shall use a safety harness. A fall arrest system shall only be used where the aerial lift is designed to withstand the vertical and lateral loads caused by an arrested fall.

(2) An employee may use a body belt with a restraint device with the lanyard and the anchor arranged so that the employee is not exposed to any fall distance. An employee is required to use a restraint device where the aerial lift cannot withstand the vertical and lateral loads imposed by an arrested fall.

(3) An employee shall be prohibited from belting off to an adjacent pole, structure, or equipment while working from an aerial work platform.

(4) An employer shall not allow employees to exit an elevated aerial work platform, except where elevated work areas are inaccessible or hazardous to reach. Employees may exit the platform with the knowledge and consent of the employer. When employees exit to unguarded work areas, fall protection shall be provided and used as prescribed in construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502.

(5) An employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves.

R 408.15839. Operating procedures.

Rule 5839 (1) The aerial work platform shall be used only in accordance with the manufacturers or owners operating instructions and safety rules.

(2) The designed rated capacity for a given angle of elevation shall not be exceeded.

(3) A proximity-warning device may be used, but shall not be used to avoid meeting the requirements of this rule.

(4) The manufacturer's rated load capacity shall not be exceeded. The employer shall ensure that the load and its distribution on the platform are in accordance with the manufacturer's specifications. The aerial work platform rated load capacity shall not be exceeded when loads are transferred to the platform at elevated heights.

(5) Only employees, their tools, and necessary materials shall be on or in the platform.

(6) The guardrail system of the platform shall not be used to support any of the following:

(a) Materials.

(b) Other work platforms.

(c) Employees.

(7) Employees shall maintain firm footing on the platform while working on the platform. The use of railings, planks, ladders, or any other devices on the platform for achieving additional height is prohibited.

(8) Fuel gas cylinders shall not be carried on platforms that would allow the accumulation of gases.

(9) Only aerial work platforms that are equipped with a manufacturer's installed platform controls for horizontal movement shall be moved while in the elevated position.

(10) Before and during driving while elevated, an operator of a platform shall do both of the following:

(a) Look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(b) Maintain a safe distance from all of the following:

(i) Obstacles.

(ii) Debris.

(iii) Drop-offs.

(iv) Holes.

(v) Depressions.

(vi) Ramps.

(vii) Overhead obstructions.

(viii) Overhead electrical lines.

(ix) Other hazards to safe elevated travel.

(11) Outriggers or stabilizers, when provided, are to be used in accordance with the manufacturer's instruction. Brakes shall be set and outriggers and stabilizers shall be positioned on pads or a solid surface.

(12) Aerial work platforms shall be elevated only when on a firm and level surface or within the slope limits allowed by the manufacturer's instructions.

(13) A vehicle-mounted aerial work platform (figure 1) shall have its brakes set before elevating the platform.

(14) A vehicle-mounted aerial work platform (figure 1) shall have wheel chocks installed before using the unit on an incline.

(15) Climbers shall not be worn while working from an aerial device unless gaff guards are provided.

(16) Platform gates shall be closed while the platform is in an elevated position.

(17) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(18) Care shall be taken to prevent rope, electric cords, hoses, or the equivalent, from becoming entangled in the aerial platform.

(19) A platform operator shall ensure that the area surrounding the aerial work platform is clear of personnel and equipment before lowering the platform.

(20) The aerial work platform shall not be positioned against another object to steady the platform.

(21) The aerial work platform shall not be operated from a position on a truck, trailer, railway car, floating vessel, scaffold, or similar equipment.

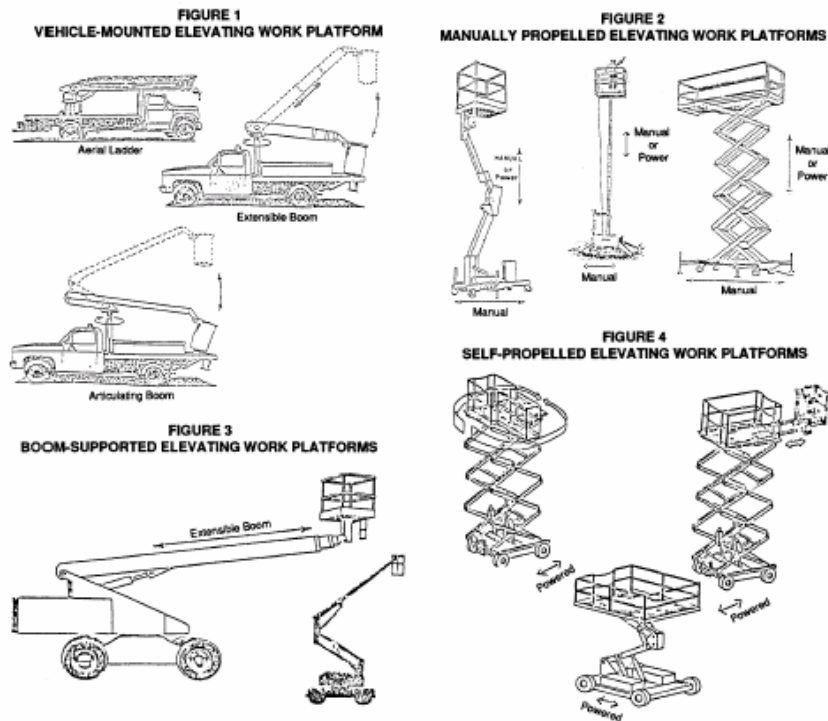
(22) The boom and platform of the aerial work platform shall not be used to move or jack the wheels off the ground unless the machine is designed for that purpose by the manufacturer.

(23) If the platform or elevating assembly becomes caught, snagged, or otherwise prevented from normal motion by adjacent structures or other obstacles so that control reversal does not free the platform, all employees shall exit from the platform before attempts are made to free the platform.

(24) Stunt driving and horseplay are prohibited.

R 408.15842. Figures.

Rule 5840. Figures 1, 2, 3, and 4 are as follows:



ADMINISTRATIVE RULES

SOAHR #2007-024

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on June 4, 2008

These rules become effective 14 days after filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 408.1016, 408.1021, 445.2001, and 445.2011)

R 408.10501, R 408.10502, R 408.10511, R 408.10513, R 408.10526, R 408.10528, R 408.10532, R 408.10546, R 408.10561, R 408.10565, R 408.10568, R 408.10569, R 408.10575, and R 408.10592, of the Michigan Administrative Code, are amended, and R 408.10509 is added, and R 408.10547 is rescinded as follows:

PART 5. SCAFFOLDING

R 408.10501. Scope.

Rule 501. (1) This part applies to scaffolds and the use of material and equipment in conjunction with scaffolding around or about places of employment.

(2) Powered and manual mobile elevating platforms and self-propelled vehicle mounted elevating and rotating platforms are not included in these rules but are provided for in general industry safety standard Part 58. "Aerial Work Platforms," R 408.15801 to R 408.15842.

R 408.10502. Applicability for powered platforms.

Rule 502. (1) These rules apply to all new permanent installations for powered platforms and modifications to existing buildings that affect the structural integrity of the building exterior, tie-in guides and attachments, and the supporting structure for the powered platforms.

(2) Employers shall ensure compliance with these rules for any powered platform that is powered by a source other than electricity except for those rules that govern the electrical power source. The alternative power source shall be outfitted with protective devices that are equivalent to the protection that is provided by rules pertaining to an electrical power source.

(3) Scaffolds that are not covered by this part shall be as safe or safer for employees as scaffolds that are regulated by these rules.

(4) Permanent installations shall be in compliance with the provisions of 29 C.F.R. §1910.66, 'Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms Appendix D – Existing Installations (Mandatory). The following standards that are cited in 29 C.F.R. §1910.66, appendix D, are as follows and adopted by reference in R 408.40509.

(a) ANSI A120.1 - 1970 edition, entitled "Safety Requirements for Powered Platforms for Exterior Building Maintenance."

(b) Subpart S, referenced in 29 C.F.R. §1910.66(c)(22)(i), means general industry safety standard Part 39 'Design Safety Standards for Electrical Systems,' R 408.13901 to R 408.13902.

(c) ANSI A12.1 – 1967 edition, entitled "Safety Requirements for Floor and Wall Openings, Railings and Toeboard."

R 408.10509. Adoption of standards by reference; access to other MIOSHA rules.

Rule 509. (1) The standards specified in this rule, except for the standards specified in subrule (2) of this rule, are adopted in these rules by reference.

(a) The following standards are available from IHS/Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(i) American National Society Institute Standard ANSI A120.1 'Safety Requirement for Powered Platforms for Exterior Building Maintenance,' 1970 edition, also known as American Society of Mechanical Engineers Standard ASME A120.1 'Safety Requirements Powered Platforms and Traveling Ladders and Gantries for Building Maintenance,' 1970 edition. Cost \$20.00

(ii) American National Society Institute Standard ANSI A12.1 'Safety Requirements for Floor and Wall Openings, Railings and Toeboard,' 1967 edition. Cost \$20.00.

(b) The Code of Federal Regulations, Title 29, Occupational Safety And Health Standard 1910.66 "Powered Platforms, Manlifts, And Vehicle-Mounted Work Platforms," Appendix D "Existing Installations (Mandatory)" is available from the U.S. Government Printing Office, Washington DC, 20402; telephone number (202) 512-1800 or through the GPO website - <http://bookstore.gpo.gov>. Cost. \$11.00.

(c) The standards adopted in subrule 1(a) and (b) of this rule are also available for inspection at the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(d) Copies of the standards adopted in subrule (1)(a) and (b) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in subrule (1)(a) and (b), of this rule, plus \$20 for shipping and handling.

(2) The following Michigan Occupational Safety and Health Standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at web-site: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 2. Floor and Wall Openings, Stairways and Skylights, R 408.10201 to R 408.10241.

(b) General Industry Safety Standard Part 3. Fixed Ladders, R 408.10301 to R 408.10372.

(c) General Industry Safety Standard Part 4. Portable Ladders, R 408.10401 to R 408.10456.

(d) General Industry Safety Standard Part 7. Guards for Power Transmission, R 408.10701 to R 408.10765.

(e) General Industry Safety Standard Part 8. Portable Fire Extinguishers, R 408.10801 to R 408.10839.

(f) General Industry Safety Standard Part 21. Powered Industrial Trucks, R 408.12101 to R 408.12193.

(g) General Industry Safety Standard Part 33. Personal Protective Equipment, R 408.13301 to R 408.13398.

(h) General Industry Safety Standard Part 39. Design Safety Standards for Electrical Systems, R 408.13901 to R 408.13902.

(i) General Industry Safety Standard Part 58. Aerial Work Platforms, R 408.15801 to R 408.15842.

R 408.10511. General requirements.

Rule 511. (1) When required by this part, a safety belt, lanyard, and lifeline shall be provided to employees and used as prescribed in General Industry Safety Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(2) Except where a ladder, as prescribed in General Industry Safety Standard Part 4. “Portable Ladders,” R 408.10401 to R 408.10456, or a self-propelled vehicle mounted elevating platform is furnished, an employee engaged in work that cannot be done safely from the ground or from solid construction shall be provided a scaffold from which to work or shall wear a safety harness and lifeline.

(3) A scaffold, part, or material used in scaffolding shall not be furnished or used if it has a defect, which would create a hazard to an employee. A scaffold damaged or weakened from any cause shall be repaired before use.

(4) A scaffold shall not be loaded to more than the designed working load.

(5) Materials being hoisted to a scaffold shall have a tag line when necessary to control the load.

(6) Tools, materials, and debris shall not be permitted to accumulate in a quantity to cause a hazard.

(7) Precautions shall be taken to protect scaffold members, including suspension ropes, when using a heat producing process.

(8) A lifeline and safety belt shall be used where an employee is required to crawl out on a thrust out or projecting beam.

(9) An employer shall not permit an employee to work on a scaffold outdoors during a storm or high wind, or on a scaffold covered with ice or snow, except when performing emergency service. When performing emergency service, safeguards such as, but not limited to, lanyards and safety belts shall be used by the employee.

(10) Scaffolding endangered by a truck or other moving equipment shall be protected by a warning device, or barrier, or both.

(11) A scaffold shall not be altered or moved horizontally while it is in use or is being occupied unless the scaffold is specifically designed for occupied horizontal travel.

(12) Fiber rope used for or near any work involving the use of corrosive substances or chemicals shall be treated or protected against deterioration.

R 408.10513. Construction.

Rule 513. (1) A scaffold and its components shall have a designed safety factor of not less than 4 with the load figure including the total weight of materials, men, and scaffold. Load-carrying timber members for scaffold framing shall be not less than 1500 fiber, stress grade, construction grade lumber.

(2) A scaffold, except a ladder scaffold, boatswain's chair, or needle beam scaffold, 10 feet or more above floor or ground level, shall have a standard barrier and toeboard pursuant to rules R 408.10231 and R 408.10233 of General Industry Safety Standard Part 2. “Floor and Wall Openings, Stairways, and Skylights.” A life line and safety belt shall be used where a railing is required but not practical.

(3) A scaffold over a walk, aisle, or work area shall have the sides screened from toeboard to the top rail where an employee is required to work or pass under the scaffold.

(4) When work is being performed above a scaffold, overhead protection consisting of 2 inch planks laid tight, or equivalent material, shall be installed not more than 9 feet above the scaffold floor.

(5) Where access is not available directly from a structure, a wood scaffolding shall have a stair to the platform or portable ladder pursuant to General Industry Safety Standards Part 4. "Portable ladders," R 408.10401 to R 408.104560 or a fixed ladder pursuant to Part 3. "Fixed Ladders," R 408.10301 to R 408.10456, except that a cage is not mandatory for the fixed ladder. Use of a stair or fixed ladder shall not have a tendency to tip the scaffold.

(6) Manufactured scaffolding shall be equipped with a stair or a fixed ladder, mounted by a portable ladder, except that a cage is not mandatory for a fixed ladder. On manufactured scaffolding purchased after November 16, 1974, and equipped with a built-in fixed ladder or an attached scaffold ladder, the ladder shall be constructed of rungs not less than 12 inches long, uniformly spaced not less than 12 inches nor more than 16 1/2 inches from the center of 1 rung to another and the rung and component parts shall support a minimum of 300 pounds.

(7) Instead of the requirements for a stair, fixed ladder, or portable ladder, the intermediate horizontal members of a frame of a manufactured tubular welded frame scaffold may be used for access to, and egress from, the work platform if all of the following conditions are met:

- (a) All frames and component parts are compatible in design.
- (b) The intermediate horizontal members of a frame are a minimum of 16 inches in length.
- (c) The horizontal members of each frame shall be uniformly spaced and shall not exceed 17 inches center to center vertically.
- (d) When frames are connected vertically to one another, the distance between the bottom horizontal member of the upper end frame and the top horizontal member of the lower end frame shall be within 3 inches of the uniform spacing of the horizontal members of each frame.
- (e) The elevation to the lowest horizontal member of the bottom frame shall not exceed 21 inches from ground or floor.
- (f) Each horizontal member shall be capable of supporting 300 pounds applied at the member's midpoint without bending or cracking.
- (g) Each horizontal member shall be inspected for, and found free of cracks, bends, or bad welds.
- (h) The guardrail system located on the side where horizontal members of the scaffold frame are used for access to or egress from, a work platform shall be constructed as follows:
 - (i) The intermediate rail shall be omitted between the corner posts at access location.
 - (ii) The top rail shall be continuous between posts.
 - (iii) Only 1 employee at a time shall use a horizontal member of a frame as access to, or egress from, the workstation.

(8) Footing for a scaffold shall be sound, rigid, and capable of supporting the maximum intended load without settling or displacement. Objects such as barrels, boxes, loose brick, or concrete blocks shall not be used.

(9) Poles, legs, or uprights of a scaffold shall be plumb and shall be secured or braced to prevent swaying or displacement.

(10) Load-carrying timber members of a scaffold shall be a minimum of 1500 fiber, stress grade, construction grade lumber.

(11) Construction and attachment of a scaffold shall be such that there is no direct pull on the fasteners.

R 408.10526. Outrigger's scaffolds.

Rule 526. (1) A thrustout for an outrigger scaffold shall be of timber 3 by 10 inches nominal, set on edge, or of structural steel of equal strength set with the web vertical. A thrustout shall extend outside the building not more than 6 feet, shall be spaced not ~~no~~ more than on 6 foot centers, and shall be fastened to prevent twisting or other movement. A thrustout shall be braced diagonally from the outside end to the building. The brace shall be not less than 25% longer than the extended length of the

thrustout. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than 1 1/2 times the outboard end in length.

(2) A suspended platform shall be formed by use of 2 by 6 inch nominal vertical hangers and 2 by 6 inch nominal bearers. A vertical hanger shall be braced to prevent side sway and be not more than 10 feet long. Additional support blocks shall be nailed to the vertical hangers above the thrustouts and below the bearers. The inboard ends of outrigger beams shall be securely supported, either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joist underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping, and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Planking for the platform shall abut edges tightly from end of thrustout to building or from vertical hanger to vertical hanger, and shall be as prescribed in R 408.10512.

(4) A standard barrier and toeboard shall be installed as prescribed in R 408.10231 and R 408.10233 of general industry safety standard Part 2. "Floor and Wall Openings, Stairways and Skylights."

(5) A horse scaffold shall not be used with an outrigger's scaffold.

(6) Outrigger scaffolds designed by a registered professional mechanical or civil engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications, showing the sizes and spacing of members, shall be kept on the job. Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional mechanical or civil engineer.

R 408.10528. Ladder jack scaffolds.

Rule 528. (1) A ladder jack scaffold shall be used on a Type 1, sometimes-called heavy duty, manufactured ladder only, and at heights not more than 20 feet from the ground or floor level.

(2) The span of a wood plank shall be not more than 8 feet between ladder jacks, and the planking shall be as prescribed in R 408.10512.

(3) The span of a pick shall not exceed 24 feet.

(4) A ladder jack scaffold, shall be limited to 2 employees at any 1 time, except if 3 ladders support the plank 3 employees may occupy the plank. Not more than 2 employees shall occupy any given 8 feet of plank at any 1 time.

(5) A ladder used with a ladder jack shall be equipped with nonslip feet pursuant to R 108.10447 of the general industry safety standard, Part 4. "Portable Ladders," R 408.10401 to R 408.10456.

(6) A ladder jack shall be made of metal with a designed strength to sustain the load as prescribed in subrule (1) of R 408.10513. A ladder jack shall be designed to bear on the side rails in addition to the rungs, or if bearing on the rungs only, the bearing surface shall be not less than 10 lineal inches on each rung.

R 408.10532. Working surfaces; steep slopes.

Rule 532. (1) An employee working on a roof where the working area is more than 20 feet above the ground, the pitch is more than 3 inches in 12 inches, and there is no roof parapet, shall be provided and use a roofing bracket scaffold or crawling board.

(2) An employee using a roofing bracket scaffold or crawling board shall use a safety belt and lifeline or a catch platform shall be provided. The catch platform shall extend 2 feet beyond the projection of the eaves or structure, whichever is farther away, and shall be equipped with a standard barrier and toeboard as prescribed in R 408.10231 and R 408.10233 of general industry safety standard Part 2. "Floor and Wall Openings, Stairways, and Skylights."

R 408.10546. Powered and manual mobile elevating platforms.

Rule 546. (a) Powered and manual mobile elevating platforms shall be operated as prescribed in general industry safety standard, Part 58. “Aerial Work Platforms,” R 408.15801 to R 408.15842.

(b) Powered industrial trucks shall be operated as prescribed in general industry safety standard, Part 21. “Powered Industrial Trucks,” R 408.12101 to R 408.12193.

R 408.10561. Construction and modification; requirements for buildings utilizing working platforms for maintenance; tie-in guides.

Rule 561. (1) A powered platform installed, or that part of a powered platform modified, after August 27, 1971, shall be in compliance with the design and manufacturing requirements prescribed in ASME standard A120.1, 1970 edition, ‘Safety requirements for powered platforms for exterior building maintenance, which is adopted in R 408.10509 by reference, and as further prescribed in the rules of this part.

(2) The following requirements apply to affected parts of buildings that utilize working platforms for building maintenance:

(a) Structural supports, tie-downs, tie-in guides, anchoring devices, and any affected parts of the building that are included in the installation shall be designed by, or under the direction of, a registered professional engineer who is experienced in such design.

(b) Exterior installations shall be capable of withstanding prevailing climatic conditions.

(c) The building installation shall provide safe access to, and egress from, the equipment and shall provide sufficient space to conduct necessary maintenance of the equipment.

(d) The affected parts of the building shall have the capability of sustaining all of the loads imposed by the equipment.

(e) The affected parts of the building shall be designed to allow the equipment to be used without exposing employees to a hazardous condition.

(3) The exterior of each building shall be provided with tie-in guides unless the conditions specified in either of the following provisions are met:

(a) Tie-in guides required pursuant to this rule may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building if angulated roping is employed, if the use of tie-in guides is not feasible due to the exterior building design, and if an angulation force of not less than 10 pounds (44.4 n) is maintained under all conditions of loading.

(b) Tie-in guides may be eliminated if 1 of the specified guide systems is provided as specified in R 408.10562 and R 408.10563.

R 408.10565. Roof cars; carriages; suspension methods.

Rule 565. (1) A roof car shall be used when it is necessary to move a working platform horizontally to a work or storage position.

(2) Movements of a roof car shall be restricted to a designated path of travel. Mechanical stops shall be provided and shall prevent the roof car from traversing outside the intended path of travel. The stops shall be capable of withstanding a force equal to 100% of the inertial effect of the roof car under power and shall be designed to prevent a crushing or shearing hazard.

(3) Elevated building maintenance equipment shall be suspended by a roof car, carriage, outrigger, davits, or an equivalent method.

(4) Carriages or roof cars shall be in compliance with all of the following provisions:

(a) The horizontal movement of a carriage shall be controlled to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage.

(b) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3 mls).

(c) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface shall not require a person to exert a horizontal force of more than 40 pounds (444.8 n).

(d) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designed limits of travel.

(e) Traversing controls for a powered carriage shall be of a continuous pressure weatherproof type. Multiple controls, when provided, shall be arranged to permit operation from only 1 control station at a time. An emergency stop device shall be provided on each end of a powered carriage for interrupting power to the carriage drive motors.

(f) The operating control or controls shall be connected so that, in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing and is free of contact with the face of the building or building guides. All protective devices and interlocks shall be in the proper position to allow traversing of the carriage.

(g) Stability for underfoot supported carriages shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(h) The stability factor against overturning shall not be less than 5 for horizontal traversing of the carriage, including the effects of impact and wind.

(i) The carriages and their anchorages shall be capable of resisting accidental overtensioning of the wire ropes that suspend the working platform, and this calculated value shall include the effect of 1-112 times the stall capacity of the hoist motor. The forces that result from the stall load of the hoist and 112 of the wind load shall not cause damage to any part of the installation.

(j) Roof carriages that rely on having tie-down devices secured to the building to develop the required stability against overturning shall be provided with an interlock that will prevent vertical platform movement unless the tie-down is engaged.

(k) An automatically applied braking or locking system, or an equivalent, shall be provided that will prevent the unintentional traversing of power-traversed or power-assisted carriages.

(l) A manual or automatic braking or locking system, or an equivalent, shall be provided that will prevent the unintentional traversing of manually propelled carriages.

(m) A means to lock out the power supply for the carriage shall be provided.

(n) Safe access to, and egress from, the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with general industry safety standard Part 2. "Floor and Wall Openings, Stairways, and Skylights," R 408.10201 to R 408.10241. Any access gate shall be self-closing and self-latching or shall be provided with an interlock.

(o) Each carriage work station position shall be identified by location markings or position indicators, or both.

(p) A motor shall stall if the load on the hoist motor is at any time more than 3 times that necessary for lifting the working platform with its rated load.

R 408.10568. Perimeter guarding; equipment stops; maintenance access: elevated track system walkway and guardrail system; platform access and egress safety; certain anchors, fasteners, and structures to be corrosion resistant; cable installation; emergency action plan; repairs or major maintenance to parts of building providing primary support.

Rule 568. (1) Employees who work on roofs while performing building maintenance shall be protected by a perimeter guarding system that meets the requirements of general industry safety standard, Part 2. "Floor and Wall Openings, Stairways, and Skylights," R 408.10201 to R 408.10241.

(2) The perimeter guard shall not be more than 6 inches (152 mm) inboard of the inside face of a barrier, for example, the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location shall not be set back more than 18 inches (457 mm) from the exterior building face.

(3) Operational areas for trackless type equipment shall be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(4) Means shall be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage. Maintenance shall be performed on equipment in a stored position when possible.

(5) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface and which is traversed by carriage supported equipment shall be provided with a walkway and guardrail system or else the working platform shall be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and shall be provided with a safe means of access and egress to the lower safe surface.

(6) Imbedded tie-down anchors, fasteners, and affected structures shall be resistant to corrosion.

(7) Hanging lifelines and all cables that are not in tension shall be stabilized at 200-foot (61 m) intervals of vertical travel of the working platform beyond an initial 200-foot (61 m) distance.

(8) Hanging cables, other than suspended wire ropes, that are in constant tension shall be stabilized when the vertical travel is more than an initial 600-foot (183 m) distance. Beyond the initial 600 feet, cables shall be stabilized at intervals of 600 feet (183 m) or less.

(9) A written emergency action plan shall be developed and implemented for each kind of working platform operation. This plan shall explain the emergency procedures that are to be followed in the event of a power failure, equipment failure, or other emergencies which may be encountered. The plan shall include building emergency escape routes, procedures, and alarm systems to be used by each employee before operating a platform. Upon initial assignment and when the plan is changed, the employer shall review, with each employee, those parts of the plan that the employee is required to know in the event of an emergency.

(10) Repairs or major maintenance of those building portions that provide primary support for the suspended equipment shall not affect the capability of the building to be in compliance with the requirements of these rules.

R 408.10569. Electrical requirements.

Rule 569. The following electrical requirements apply to buildings that utilize working platforms for building maintenance:

(a) General building electrical installations shall be in compliance with the provisions of general industry safety standard Part 39. Design Safety Standards for Electrical Systems.

(b) Building electrical wiring shall be of such capacity that when a full load is applied to the equipment power circuit not more than a 5% drop from building service-vault voltage shall occur at any power circuit outlet that is used by equipment regulated by these rules.

(c) The equipment power circuit shall be an independent electrical circuit that shall remain separate from all other equipment within or on the building, other than power circuits that are used for hand tools which will be used in conjunction with the equipment. If the building has an emergency power system, the equipment power circuit may also be connected to this system.

(d) The power circuit shall be provided with a disconnect switch that can be locked in the "off" or "on" position. The switch shall be located to allow the operators of the equipment access to the switch.

(e) The disconnect switch for the power circuit shall be locked in the "on" position when the equipment is in use.

R 408.10575. Hoisting machines; suspended equipment; 2 and 4-point suspended working platforms; single-point suspended platforms; ground-rigged working platforms; intermittently stabilized platforms; button-guide stabilized platforms; supported equipment; suspension wire ropes and rope connections.

Rule 575. (1) The raising and lowering of suspended or supported equipment shall be performed only by a hoisting machine.

(2) Each hoisting machine shall be capable of arresting any overspeed descent of the load.

(3) Each hoisting machine shall be powered only by air, electric, or hydraulic sources.

(4) Each hoisting machine shall be capable of raising or lowering 125% of the rated load of the hoist.

(5) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with the provisions of general industry safety standard, Part 7. "Guards for Power Transmission,"-R 408.10701 to R 408.10765.

(6) Flammable liquids shall not be carried on the working platform.

(7) Winding drums, traction drums, and sheaves and directional sheaves that are used in conjunction with hoisting machines shall be sized for the wire rope that is used.

(8) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing not less than 4 times the rated load of the hoist.

(9) Each hoisting machine shall be provided with a primary brake and at least 1 independent secondary brake, each of which shall be capable of stopping and holding not less than 125% of the lifting capacity of the hoist. The primary brake shall be directly connected to the drivetrain of the hoisting machine and shall not be connected through belts, chains, clutches, or set screw-type devices. The brake shall automatically set when power to the prime mover is interrupted. The secondary brake shall be an automatic emergency type of brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake and shall stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(10) Any component of a hoisting machine that requires lubrication for its protection and proper functioning shall be provided with a means for that lubrication to be applied.

(11) All of the following provisions apply to suspended equipment:

(a) Each suspended unit component, except for suspension ropes and guardrail systems, shall be capable of supporting not less than 4 times the maximum intended live load applied or transmitted to that component.

(b) Each suspended unit component shall be constructed of materials that will withstand anticipated weather conditions.

(c) Each suspended unit shall be provided with a load rating plate which is conspicuously located and which states the unit weight and rated load of the suspended unit.

(d) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continuously stable under all conditions of use and position of the live load and shall maintain not less than a 1.5 to 1 stability factor against unit upset.

(e) Guide rollers, guide shoes, or building face rollers shall be provided and shall compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(f) Each working platform of a suspended unit shall be secured to the building facade by 1 or more of the following methods or by an equivalent method that is in compliance with the provisions of R 408.10561 and R 408.10562:

(i) Continuous.

(ii) Intermittent.

(iii) Button guide engagement.

(iv) Angulated roping.

(v) Building face rollers.

(g) Each working platform of a suspended unit shall be provided with a guardrail system on all sides, which shall meet the requirements of general industry safety standard, Part 2. “Floor and Wall Openings, Stairways, and Skylights,” R 408.10201 to R 408.10241. All of the following provisions apply to the guardrail system:

(i) The system shall consist of a top guardrail, midrail, and toeboard.

(ii) The top guardrail shall be not less than 42 inches high and shall be able to withstand not less than a 200- pound force in any downward or outward direction.

(iii) The midrail shall be able to withstand not less than a 75-pound (333 n) force in any direction.

(iv) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.4 kg.) applied horizontally over any area of 1 square foot (.09 m²). All openings in the material shall be small enough to prevent the passage of lifelines and potential falling objects that may be hazardous to persons below.

(v) Toeboards shall be capable of withstanding a force of not less than 50 pounds (222 n) applied in any direction at any point along the toeboard.

(vi) Toeboards shall be not less than 4 inches in height from the top edge to the level of the platform floor.

(vii) Toeboards shall be securely fastened in place at the outermost edge of the platform and have not more than 1/4 of an inch (1.3 cm) clearance above the platform.

(viii) Toeboards shall be solid or have an opening that is not more than 1 inch (2.5 cm) in the greatest dimension.

(12) All of the following provisions apply to a 2 and 4-point suspended working platform:

(a) The working platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12-inch (305 mm) wide passage at or past any obstruction on the platform.

(b) The flooring shall be of a slip-resistant type and shall not have an opening that would allow the passage of lifelines, cables, and other potential falling objects.

(c) The working platform shall be provided with a means of suspension that will restrict the platform from tilting more than 15 degrees in any direction.

(d) Any cable that is suspended from above the platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(e) All operating controls for the vertical travel of the platform shall be of the continuous-pressure type and shall be located on the platform.

(f) Each operating station of every working platform shall be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(g) The maximum rated speed of the platform shall not be more than 50 feet per minute (0.3 ms) for single-speed hoists and not more than 75 feet per minute (0.4 ms) for multispeed hoists.

(h) All tools, water tanks, and other accessories shall be secured to prevent their movement or accumulation on the floor of the platform.

(i) Portable fire extinguishers that are in compliance with the provisions of general industry safety standard, Part 8. “Portable Fire Extinguishers,” R 408.10801 to R 408.10839, shall be provided and securely attached on all working platforms.

(j) Access to and egress from a working platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms, and runways that are in compliance with the provisions of general industry safety standards, Part 2. “Floor and Wall Openings, Stairways, and Skylights,” R 408.10201 to R 408.10241, and Part 4. “Portable Ladders,” R 408.10401 to R 408.10456. Access gates shall be self-closing and self- latching.

(k) Means of access to or egress from a working platform that is 48 inches (1.2 m) or more above a safe surface shall be provided with a guardrail system or ladder-handrails that are in compliance with the provisions of general industry safety standards, Part 2. “Floor and Wall Openings, Stairways, and Skylights,” R 408.10201 to R 408.10241, and Part 4. “Portable Ladders,” R 408.10401 to R 408.10456.

(l) The platform shall be provided with a secondary wire rope suspension system if the platform has overhead structures that restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage shall be provided as part of a fall arrest system. The system shall be in compliance with the requirements of general industry safety standard Part 33. “Personal Protective Equipment,” R 408.10331 to R 408.13398.

(m) A vertical lifeline shall be provided as part of a fall arrest system. The system shall be in compliance with the requirements of general industry safety standard Part 33. “Personal Protective Equipment,” R 408.10331 to R 408.10398, for each employee on a working platform that is suspended by 2 or more wire ropes if the failure of 1 wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are still required for the fall arrest system.

(n) An emergency electric operating device shall be provided on roof-powered platforms near the hoisting machine for use in the event of failure of the normal operating device that is located on the working platform or failure of the cable that is connected to the platform. The emergency electric operating device shall be mounted in a secured compartment and the compartment shall be labeled with instructions for use. A means for opening the compartment shall be mounted on a break-glass receptacle that is located near the emergency electric operating device or in an equivalent secure accessible location.

(13) Both of the following provisions apply to a single-suspended working platform:

(a) The requirements of R 408.10575(12)(a) to (k) shall also apply to a single-point working platform.

(b) Each single-point suspended working platform shall be provided with a secondary wire rope suspension system that will prevent the working platform from falling if there is a failure of the primary means of support or if the platform contains overhead structures that restrict the egress of the employees. A horizontal lifeline or a direct connection anchorage that meets the requirements of appendix c shall be provided, as part of a fall arrest system that is in compliance with the requirements of general industry safety standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398, for each employee on the platform.

(14) Both of the following provisions apply to a ground-rigged working platform:

(a) The working platform shall be in compliance with all of the requirements of R 408.10575(12)(a) to (k).

(b) After each day's use, the power supply within the building shall be disconnected from a ground-rigged working platform, and the platform shall be either disengaged from its suspension points or secured and stored at grade.

(15) All of the following provisions apply to an intermittently stabilized platform:

(a) The platform shall be in compliance with the requirements of R 408.10575(12)(a) to (m).

(b) Each stabilizer tie shall be equipped with a quick- connect/quick-disconnect device which cannot be accidentally disengaged, which is for attachment to the building anchor, and which is resistant to adverse environmental conditions.

(c) The platform shall be provided with a stopping device that will interrupt the hoist power supply if the platform contacts a stabilizer tie during its ascent.

(d) Building face rollers shall not be placed at the anchor setting if exterior anchors are used on the building face.

(e) Stabilizer ties that are used on intermittently stabilized platforms shall allow for the specific attachment length that is needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length shall be maintained at all building anchor locations.

(f) The platform shall be in continuous contact with the face of the building during ascent and descent.

(g) The attachment and removal of stabilizer ties shall not require the horizontal movement of the platform.

(h) The platform-mounted equipment and its suspension wire ropes shall not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment, and wire ropes shall be able to withstand a load that is not less than twice the ultimate strength of the stabilizer tie.

(16) All of the following provisions apply to a button-guide stabilized platform:

(a) The platform shall be in compliance with the requirements of R 408.10575(12)(a) to (m).

(b) Each guide track on the platform shall engage a minimum of 2 guide buttons during any vertical travel of the platform after the initial button engagement.

(c) Each guide track on a platform that is part of a roof-rigged system shall be provided with a storage position on the platform.

(d) Each guide track on the platform shall be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons and easy movement into and out of the guide track's storage position on the platform.

(e) Two guide tracks shall be mounted on the platform and shall provide continuous contact with the building face.

(f) The load-carrying components of the button guide stabilization system that transmit the load into the platform shall be capable of supporting the weight of the platform or provision shall be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

(17) All of the following provisions apply to supported equipment:

(a) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means shall be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes shall be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions which are indexed to the building guides and which are retained in alignment with the building guides shall be used to align drive wheels that enter the building guides.

(d) Manned platforms that are used on supported equipment shall be in compliance with the requirements of R 408.10575(12)(a), (b), and (d) to (k) with respect to suspended equipment.

(18) All of the following provisions apply to suspension wire ropes and rope connections:

(a) Each specific installation shall use suspension wire ropes or combination cable and connections that are in compliance with the specifications recommended by the manufacturer of the hoisting machine that is used. Connections shall be capable of developing not less than 80% of the rated breaking strength of the wire rope.

(b) Each suspension rope shall have a design factor of not less than 10. The design factor is the ratio of the rated strength of the suspension wire rope to the rated working load and shall be calculated using the following formula:

$$f = \frac{S}{W}$$

where:

f = design factor

S = manufacturer's rated strength of 1 suspension rope.

n = number of suspension ropes under 1 load

W = rated working load on all ropes at any point of travel.

- (c) Suspension wire rope grade shall be at least improved plow steel or equivalent.
- (d) Suspension wire ropes shall be sized to be in compliance with the required design factor, but shall not be less than 5/16 of an inch (7.94 mm) in diameter.
- (e) A reverse bend in wire rope shall not be permitted.
- (f) A bend radius in wire rope shall not be less than 20 times the wire rope diameter.
- (g) Wire rope shall be inspected and maintained as specified in the provisions of R 408.10582.

R 408.10592. Personal fall protection.

Rule 592. Employees on working platforms shall be protected by a personal fall arrest system that is in compliance with the requirements of general industry safety standard Part 33. "Personal Protective Equipment," R 408.13301 to R 408.13398.

ADMINISTRATIVE RULES

SOAHR #2007-039
DEPARTMENT OF HUMAN SERVICES

DIRECTOR'S OFFICE

LICENSING RULES FOR CHILD CARE CENTERS

Filed with the Secretary of State on June 4, 2008

These rules will take effect immediately upon filing with the Secretary of State.

(By authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 330.3101, 445.2001, 445.2011, and 400.226.)

R 400.5101, R 400.5102, R 400.5102a, R 400.5103a, R 400.5104b, R 400.5105, R 400.5109, R 400.5117, R 400.5202a, R 400.5204, R 400.5206, R 400.5302, R 400.5307, R 400.5805, and R 400.5825 amend the Michigan Administrative Code as follows:

PART 1. GENERAL

R 400.5101 Definitions.

Rule 101. As used in these rules:

(a) "Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. department of education.

(b) "Ages" means all of the following:

(i) "Infant" - birth to 11 months of age.

(ii) "Young toddler" – 12 to 29 months of age.

(iii) "Older toddler" – 30 to 35 months of age.

(iv) "School age" means attending kindergarten or a higher grade but less than 13 years of age.

(c) "Caregiver" means an adult who provides direct care, supervision, and guidance of children. A 17-year-old shall qualify as a caregiver if he or she meets 1 of the following:

(i) Has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department of labor and economic growth.

(ii) Has completed 1 year of apprenticeship in a recognized child care apprenticeship program sponsored by the U.S. department of labor.

(d) "Center" means a child care center or day care center which is a facility other than a private residence, which receives 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, prekindergarten, play group, or drop-in center. "Center" does not include any of the following:

(i) A Sunday school, a vacation Bible school, or a religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than 3 hours per day for an

indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

(ii) A special education program or service conducted under the authority of article 3 of 1976 PA 451, MCL 380.1701 to 380.1766.

(iii) A kindergarten, elementary, or secondary school program operated by a local or intermediate school district under the authority of 1976 PA 451, MCL 380.1 et seq.

However, this exemption shall not apply to a prekindergarten program or to a child care center program for school-age children operated by a local or intermediate school district.

(iv) An elementary or secondary school program operated by a nonpublic school. However, this exemption shall not apply to a prekindergarten program or a child care center program for school-age children operated by a nonpublic school.

(v) A kindergarten operated as part of a nonpublic elementary school. However, this exemption shall not apply to a nonpublic kindergarten operated as part of a child care center.

(vi) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(vii) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(e) "CEU" means a continuing education unit awarded by a state board of education or an accredited college/university sponsor of continuing education units.

(f) "Critical height" means the height of the highest designated play surface on a piece of playground equipment.

(g) "Department" means the department of human services.

(h) "Developmentally appropriate" means age appropriate as well as appropriate to the individual child.

(i) "Field trip" means children and caregivers leaving the child care center premises for an excursion, trip, or program activity.

(j) "Group size" means the specified number of children assigned to a caregiver or team of caregivers occupying an individual classroom or well-defined space for each group within a larger room. Two or more groups may be combined for collective activities as long as appropriate child/staff ratios are maintained in the room or area.

(k) "Parent" or "parental" means a child's natural parent, guardian, or another legally responsible person.

(l) "Playspace" means a piece or pieces of equipment that 1 child can use independently for 15 minutes.

(m) "Recommended dietary allowances" means the amount of food which meet the allowances recommended by the national research council and contained in the appendix of the publication entitled "Recommended Dietary Allowances," 10th edition, 1989. This publication is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Academy of Sciences, 500 Fifth St. N.W., Washington, D.C. 20001 at a cost as of the effective date of this rule of \$24.95.

(n) "School" means a building or part of a building which is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by 1976 PA 451, MCL 380.1561 which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.

(o) "Sleeping equipment" means a crib, bed, porta-crib, cot, or mat used by children in care for sleeping and resting.

(p) "Staff" means caregivers, drivers, kitchen personnel, maintenance personnel, and other personnel of the center as well as the program director.

(q) "Well-defined space" means space designed and used exclusively for a specific group of children.

R 400.5102 Licensee.

Rule 102. (1) The licensee shall do all of the following:

(a) Demonstrate to the department that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47, and is suitable to meet the needs of children.

(b) Comply with 1973 PA 116, MCL 722.115c requirements for a Michigan department of state police criminal history record check, a criminal records check through the federal bureau of investigation, and a department of human services check for a history of substantiated abuse and neglect.

(c) Be responsible for compliance with 1973 PA 116, MCL 722.111 and the rules promulgated under the act.

(2) The licensee shall have the following administrative responsibilities regarding staff:

(a) Notify and submit credentials to the department for approval within 30 days of hiring a new program director.

(b) Perform a criminal history check using the Michigan department of state police's internet criminal history access tool (ICHAT) before making an offer of employment to a person.

(c) Develop and implement a written screening policy for all staff and volunteers, including parents, who have contact with children.

(d) Develop and implement a written plan to assure compliance with the provisions of 1975 PA 238, MCL 722.621 and known as the child protection law.

(e) Have a written statement signed and dated by staff at the time of hiring indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is against the law.

(ii) The individual has been informed of the center's policies on child abuse and neglect.

(iii) The individual knows that caregivers are required by law to immediately report suspected abuse and neglect to children's protective services.

(3) The licensee shall provide for the development and implementation of a written, on-going staff training plan that includes the following:

(a) The minimum training requirements as established in these rules.

(b) Topics including child development, curriculum, child discipline, health/safety, nutrition, working with parents, and licensing rules for child care centers.

(4) The licensee shall post the following in a place visible to parents:

(a) The current license.

(b) A copy of the current regulations.

(c) A notice stating whether the child care center requires a criminal history check on its employees or volunteers.

(5) The licensee shall assure that the actual number and ages of children in care at any 1 time never exceeds the number and ages of children for which a center is licensed.

(6) The licensee shall assure that a child is released only to persons authorized by the parent. Both of the following shall apply:

(a) A child shall be released to either parent unless a court order prohibits release to a particular parent.

(b) A copy of the order specified in subdivision (a) of this subrule is to be kept on file at the center.

- (7) The licensee shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include both of the following:
- (a) The licensee shall provide access to all records, materials, and staff.
 - (b) Information provided by the licensee to the department shall be accurate and truthful.
- (8) The licensee shall retain the name, address, and telephone number for each child enrolled and each employee for at least 4 years after they have left the center.
- (9) The licensee shall assure that smoking does not occur in or during either of the following:
- (a) In the child care center or on real property that is under the control of the child care center and upon which the child care center is located.
 - (b) On field trips and in vehicles when children are present.

R 400.5102a Staff training requirements.

Rule 102a. (1) At least 1 caregiver with current certification in infant, child, and adult CPR and current first aid certification shall be on duty in the center at all times.

(2) The licensee shall assure that within 1 year of the effective date of these rules current caregivers have completed blood-borne pathogen training.

(3) The licensee shall assure that within 6 months of initial hire each caregiver completes blood-borne pathogen training.

(4) All caregivers shall complete 12 clock hours of annual training on topics referenced in R 400.5102(3)(b), not including CPR, first aid, and blood borne pathogen training.

(5) Annual training hours may include participation in any of the following:

- (a) In-service trainings.
 - (b) Sessions offered by community groups, faith-based organizations, and child care provider associations.
 - (c) Workshops and courses offered by local or intermediate school districts or colleges.
 - (d) Trainings, workshops, seminars, and conferences on early childhood, child development or child care administration and practices offered by early childhood organizations.
 - (e) On-line trainings.
- (6) The licensee shall assure that caregivers for infants and toddlers have training that includes information about safe sleep and shaken baby syndrome prior to caring for infants and toddlers.
- (7) The center shall keep on file verification of all professional development education or training, as required by this rule.

R 400.5103a Lead caregiver qualifications; responsibilities.

Rule 103a. (1) For purposes of this rule, lead caregiver applies only to groups of children who are less than school-age. As used in this rule:

(a) "Child-related fields" means elementary education, child guidance/counseling, child psychology, family studies, and social work.

(b) "Child care administration" means child care administration, education administration, or business administration.

(c) A "Child Development Associate Credential" (CDA) means a credential awarded by the council for professional recognition or similar credential approved by the department.

(d) A "Montessori credential" means a credential issued by the association Montessori internationale (AMI), American Montessori society (AMS), or any Montessori teaching training institution recognized by the Montessori accreditation council for teacher education (MACTE) that meets or exceeds 270 hours of academic training.

(e) Degrees and semester hours shall be from an accredited college or university.

(f) "CEU" means a continuing education unit awarded by a state board of education or an accredited college or university sponsor of continuing education units.

(g) "Hours of experience" means that the experience shall be in a licensed or registered facility serving the ages and developmental abilities of the children the caregiver will care for.

(2) The lead caregiver shall be responsible for both of the following:

(a) Oversee the planning, implementation, and evaluation of the classroom program and child assessment.

(b) Oversee caregiving staff for a specific group of children and overall care and supervision of children.

(3) At least 1 lead caregiver shall be assigned to each group of children in self-contained or well-defined space and shall be present and providing care in the assigned group in the following manner:

(a) Full time for programs operating less than 6 continuous hours.

(b) At least 6 hours per day for programs operating 6 or more continuous hours.

(4) The lead caregiver shall have the following qualifications:

(a) Be at least 19 years of age.

(b) Have a high school diploma or GED.

(c) Have current certification in infant, child, and adult cardiopulmonary resuscitation (CPR) and first aid.

(5) The center shall ensure that the qualifications of the lead caregiver meet 1 of the following:

	Education	Semester Hours/CEUS in a child-related field	Hours of Experience
(a)	Bachelor's degree or higher in early childhood education, child development, or a child-related field		
(b)	Associate's degree or higher in early childhood education or child development		
(c)	Montessori credential with →		480 hours
(d)	Child development associate credential with →		480 hours
(e)	High school diploma/GED with →	12 semester hours with →	960 hours
(f)	High school diploma/GED with →	Combination of: 12 semester hours and/or 18 ceus to equal 180 clock hours with →	1920 hours
(g)	High school diploma/GED with →	Combination of: 6 semester hours and/or 9 ceus to equal 90 clock hours with →	3840 hours

(6) A lead caregiver for infants and toddlers shall have 3 semester hours in infant/toddler development and care practices, from an accredited college or university, or 4.5 CEUs in infant/toddler development and care practices. These hours or CEUs may satisfy a portion of the requirements of subrule (5) of this rule.

(7) Within 2 years from the effective date of these rules, the center shall comply with subrule (5) of this rule and, if applicable, subrule (6) of this rule.

(8) The center shall keep on file verification of the education, credential, and experience qualifications of each lead caregiver, as applicable.

R 400.5104b Health of staff and volunteers; report.

Rule 104b. (1) The center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member or volunteer to perform the duties required. The report shall be signed not more than 6 months before, or 30 days after, the start of employment.

(2) The center shall have on file evidence that each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 1 year before employment.

R 400.5105 Supervision and ratio requirements.

Rule 105. (1) The center shall provide appropriate care and supervision of children at all times.

(2) A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at all times when 7 or more children over 3 years of age are present.

(3) The ratio of caregivers to children present at all times shall be based upon all of the following provisions:

(a) For children 3 years of age, there shall be 1 caregiver for 10 children or each fraction of 10, including children who are related to the staff and the licensee.

(b) For children 4 years of age, there shall be 1 caregiver for 12 children or each fraction of 12, including children who are related to the staff and the licensee.

(c) If there are children of mixed ages in the same room or in a well-defined space, then the ratio shall be determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child/staff ratios for each age group are maintained.

(4) An exception to the requirements of subrule (2) of this rule may be made when the center is transporting children and is in compliance with R 400.5611(2), (3), and (4).

(5) For infants, young toddlers, and older toddlers, there shall be a ratio of caregivers to children as required in R 400.5201a.

(6) For school-age children, there shall be a ratio of caregivers to children as required in R 400.5303a.

R 400.5109 Sleeping equipment.

Rule 109. (1) The center shall provide a cot or a mat constructed of a fabric or plastic which is easily cleanable in either of the following circumstances:

(a) For any child who is less than school-age enrolled for 5 or more continuous hours.

(b) Upon a parent's request for any child in attendance.

(2) Each cot and mat shall be cleaned and sanitized between use by different children and at least once a week regardless of use by different children.

(3) Each child shall be provided with a sheet or blanket of appropriate size that shall be the following:

(a) For the exclusive use of 1 child between launderings.

(b) Washed at least weekly or more often if soiled.

(c) Stored so that it does not make contact with other bedding.

(4) All occupied cots and mats shall be spaced at least 18 inches apart and in a manner that provides a free and direct means of egress.

R 400.5117 Outdoor play area.

Rule 117. (1) The outdoor play area shall be considered an outdoor classroom and an extension of the learning environment.

(2) Children shall only use age-appropriate equipment.

(3) A center operating with children in attendance for 5 or more continuous hours a day shall have an outdoor play area that has at least 1,200 square feet. More than 1,200 square feet of outdoor play area may be required when the minimum amount is not adequate for the safe and accessible use by the number of children to be cared for by the center.

(4) If outdoor space is not available adjacent to the center, then a park or other outdoor facility may be used. The following shall apply:

(a) The area shall be easily accessible by a safe walking route.

(b) The play area shall be inspected before each use to ensure that no hazards are present.

(c) The location of the alternative outdoor play area shall be specified in writing to the department.

(5) An outdoor play area located on the center's premises and all outdoor play equipment shall be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

(6) The outdoor play area shall be in a safe location. It shall be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.

(7) The equipment in the outdoor play area shall comply with the guidelines of the 1997 edition of the Handbook for Public Playground Safety, PUB No. 325, and is adopted by reference. Copies may be obtained, at no cost, from the Consumer Product Safety Commission (CPSC), Washington, D.C. 20207 (www.cpsc.gov) or from the department of human services, P.O. Box 30650, Lansing, Michigan 48909. Documentation of compliance shall be provided to the department upon request, and kept on file in the center. Centers licensed before the promulgation of these rules shall have 2 years from the effective date of these rules to meet the requirements of this rule.

(8) The surface materials and use zones in the outdoor play area shall comply with the guidelines of the Handbook for Public Playground Safety, PUB No. 325, referenced in subrule (7) of this rule. In addition, the following shall apply:

(a) Protective surfaces such as wood mulch, double shredded bark mulch, uniform wood chips, fine or coarse sand, pea gravel, rubber or rubber over foam mats or tiles, poured in place urethane and rubber compositions shall be provided in areas where climbing, sliding, swinging, or other equipment from which a child might fall is located.

(b) Loose-fill surfacing material shall not be installed over concrete.

(c) If children's wheeled vehicles and pull toys are used, then a suitable surface shall be provided for their use.

(9) The compressed depth of the surface material that is required shall be based on the critical fall height of the equipment. All of the following applies to surfacing material:

(a) Six inches of approved surfacing material is required for equipment with a critical fall height of up to 7 feet.

(b) Nine inches of approved surfacing material is required for equipment with a critical fall height of 7 feet to 10 feet.

(c) When sand is used as a surfacing material, 12 inches of sand is required for equipment with a critical fall height of 5 to 10 feet.

(10) The depth of the loose-fill surface material shall be restored to its required depth when it has moved or become packed.

(11) Trampolines shall not be used by children in care.

(12) There shall be a shaded area in the summer to protect children from excessive sun exposure.

(13) Centers licensed before the promulgation of these rules shall have 1 year from the effective date of these rules to comply with subrules (8) and (9) of this rule.

(14) School-age child care centers operating in school buildings approved by the Michigan department of education shall be exempt from subrules (7), (8), and (9) of this rule, provided the licensee informs parents, in writing at the time of enrollment, if the center plans to use a public school's outdoor play area and equipment that does not comply with this rule.

PART 2. INFANTS/YOUNG TODDLER/OLDER TODDLER

R 400.5202a Primary care.

Rule 202. (1) For the purposes of this rule, primary care means the following:

(a) Continuity of a relationship so that a child has as few primary caregivers, including substitute caregivers, as possible during any given day, within any given week, and over an extended period of time.

(b) Continuity of care to allow children and their primary caregiver to develop nurturing relationships over time.

(c) Appropriate social-emotional interaction, including, but not limited to smiling, holding, talking to, rocking, cuddling, eye contact, interacting with the child during routines and play activities, and providing guidance that helps the child develop social skills and emotional well-being.

(2) The center shall implement a primary care system so that each infant, young toddler, and older toddler has a primary caregiver.

(3) Each child shall have not more than 4 primary caregivers in a week. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing.

(4) Information regarding a child's food, health, and temperament shall be shared daily between caregivers when more than 1 primary caregiver is assigned to any infant, young toddler, or older toddler.

(5) Primary caregiving assignments shall be documented and provided to parents.

(6) An exception to R 400.5202a may be made when the center is transporting children and is in compliance with R 400.5611(1) and (2).

R 400.5204 Bedding and sleeping equipment for infants/toddlers; seating for staff.

Rule 204. (1) All bedding and equipment shall be appropriate for the child and be clean, comfortable, safe, and in good repair. Bedding shall also be in compliance with 2000 PA 219, MCL 722.1051, and known as the children's product safety act.

(2) A safe crib shall have the following:

(a) A firm, tight-fitting mattress.

(b) No loose, missing, or broken hardware or slats.

(c) Not more than 2 3/8 inches between the slats.

(d) No corner posts over 1/16 inches high.

(e) No cutout designs in the headboard or footboard.

(3) All bedding and sleep equipment shall be cleaned and sanitized before being used by another person.

(4) All bedding shall be washed when soiled or weekly at a minimum.

(5) An infant shall rest or sleep alone in an approved crib or porta-crib. The following provisions shall apply:

(a) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.

(b) The infant's head shall remain uncovered during sleep.

(c) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

(d) Blankets shall not be draped over cribs or porta-cribs.

(6) Toddlers shall rest or sleep alone in approved cribs, porta-cribs, or on approved mats or cots.

(7) Car seats, infant seats, swings, bassinets and playpens are not approved sleeping equipment for children.

(8) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their size and age.

(9) Stacking cribs are prohibited after the effective date of these rules. Centers using stacking cribs before the effective date of these rules may continue to use existing stacking cribs only for children under 7 months of age or not yet standing.

(10) When existing stacking cribs need to be replaced, the replacement cribs shall meet the requirements of subrules (1) and (2) of this rule.

(11) All occupied cribs and porta-cribs shall be spaced at least 2 feet apart and in such manner that there is a free and direct means of egress.

(12) When sleeping equipment and bedding are stored, sleeping surfaces shall not come in contact with other sleeping surfaces.

(13) A rocking chair or other comfortable, adult-sized seating shall be provided for 50% of the caregiving staff on duty who are providing infant and toddler care.

R 400.5206 Records.

Rule 206. For infants, parents shall receive a written daily record that includes at least the following information:

(a) Food intake; time, type of food, and amount eaten.

(b) Sleeping patterns; when and how long child slept.

(c) Elimination patterns, including bowel movements, consistency and frequency.

(d) Developmental milestones.

(e) Changes in the child's usual behaviors.

PART 3. SCHOOL AGE

R 400.5302 School-age program director qualifications.

Rule 302. (1) A program director shall be present during the following:

(a) Full time for programs operating less than 6 continuous hours.

(b) At least 50% of the time children are in care, but not less than a total of 6 hours for programs operating 6 or more continuous hours.

(2) A program director shall comply with all of the following:

(a) Be at least 21 years of age.

(b) Have earned a high school diploma or GED.

(c) Have current certification in child, and adult cardiopulmonary resuscitation (CPR) and first aid.

(d) Complete 12 clock hours of annual training on topics referenced in R 400.5102(3)(b), not including CPR, first aid, and blood borne pathogen training.

(e) Develop, implement, and evaluate center policies and program.

(f) Administer day-to-day operations.

(g) Oversee staff.

(3) The center shall ensure that the qualifications of the program director meet 1 of the following:

	Education	Semester Hours in a child-related field	Hours of Experience
(a)	Bachelor's degree or higher in a child-related field		
(b)	Associate's degree in a child-related field with →		480 hours
(c)	Montessori credential with →	12 semester hours with →	480 hours
(d)	Michigan school-age credential with →	12 semester hours with →	480 hours
(e)	Child development associate credential with →	12 semester hours with →	480 hours
(f)	60 semester hours with →	12 semester hours with →	720 hours
(g)	High school diploma/GED with →	6 semester hours with →	2880 hours

(4) A program director shall have at least 2 semester hours in child care administration from an accredited college or university, or a minimum of 3.0 CEUs in child care administration. The following shall apply:

(a) A program director currently employed as a program director before the effective date of these rules shall have 2 calendar years to complete the child care administration requirement.

(b) A program director meeting the qualifications of subrules 3(a) or 3(b) of this rule or having 5 years experience as a program director before the effective date of these rules shall be exempt from the requirements of this rule.

(5) The center shall keep on file verification of the education, credential, and experience qualifications, as applicable.

R 400.5307 Site supervisor qualifications; responsibilities.

Rule 307. (1) For multisite programs, with a program director responsible for more than 1 center, the licensee shall assure that a site supervisor is present during all hours of operation.

(2) The site supervisor shall meet all of the following:

(a) Be at least 19 years of age.

(b) Have earned a high school diploma, GED, or equivalent.

(c) Have 480 hours of experience working as a caregiver in a program serving school-age children that meets the requirements of 1973 PA 116, MCL 722.111.

(d) Have completed 16 clock hours of documented school-age training.

(e) Have current certification in child, and adult cardiopulmonary resuscitation (CPR) and first-aid training.

(3) The site supervisor shall meet the training requirements in R 400.5302(2)(d).

(4) The site supervisor shall be responsible for the daily operation and implementation of the site program, supervision of the site staff, and for overall care and supervision of children.

(5) A site supervisor shall assist the program director in all of the following:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations.

(c) Monitoring and overseeing staff.

PART 8. FIRE SAFETY

R 400.5805 Plans and specifications; submission; approval; inspections.

Rule 805. (1) The center shall submit to the department a complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center.

(2) The center shall obtain written approval from the department before initiating any construction.

(3) Plans shall bear the seal of a registered architect or engineer when the total cost of the project is \$15,000 or more, including labor and materials.

(4) A fire safety inspection shall be conducted by the department of labor and economic growth, bureau of construction codes and fire safety and an approval granted before issuance of the original provisional license and every 4 years thereafter, at the time of renewal.

(5) If a boiler is used, then it shall be inspected and a certificate provided, as required, by the boiler division, department of labor and economic growth.

(6) Fuel-fired furnaces shall be inspected prior to issuance of an original license and every 2 years at renewal by a licensed heating contractor.

(7) Fuel-fired water heaters shall be inspected prior to issuance of an original license and every 2 years at renewal by either a licensed heating contractor or a licensed plumbing contractor.

(8) New furnace and water heater installations shall be inspected and approved by the department of labor and economic growth inspectors or local mechanical inspecting authorities at the time of installation.

R 400.5825 Hazard Areas.

Rule 825. (1) In an existing licensed center, hazard areas shall be separated from the parts of the building used as a center in the following manner:

(a) In centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas will continue to be approved if they are enclosed with a minimum $\frac{3}{4}$ -hour fire resistive construction and doorways to the areas are protected with a minimum $1\frac{3}{4}$ inch, solid core wood door or doors equipped with approved self-closing devices and positive latching hardware.

(b) In centers licensed between June 4, 1980 and July 1, 2000, the following shall apply:

(i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a "B" labeled fire door and frame assembly, including an approved self-closing device and positive latching hardware.

(ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum $\frac{3}{4}$ hour fire resistance rating, all door openings shall be protected by minimum $1\frac{3}{4}$ -inch solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(c) In centers licensed after July 1, 2000, including centers licensed after the effective date of these rules, the following shall apply:

(i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a "B" labeled fire door and frame assembly, including an approved self-closing device and positive latching hardware.

(ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings shall be protected by minimum $1\frac{3}{4}$ -inch solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(2) Where a kitchen with commercial cooking equipment exposes a required means of egress or use area, it shall be separated from the remainder of the building with minimum 1-hour fire resistive construction including "B" labeled fire door and frame assemblies in all common openings. Kitchens

having commercial cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement.

(3) An incinerator shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings between the incinerator room and the remainder of the building shall be protected with a "B" labeled fire door and frame assembly. In new construction, the incinerator room shall have not less than 1 outside wall containing a window or door opening directly to the outside.

(4) Heating shall be by a central heating plant, or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a "B" labeled fire door and frame assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening. Door openings for heat plant enclosures not located on the same floor that is used for child occupancy may have 1¾-inch solid wood core doors having positive latching hardware and an approved self-closing device or equivalent. Air for proper combustion shall be provided directly from the outside through a permanently opened louver or noncombustible duct. The storage of combustible materials in a heating plant room is prohibited.

(5) In an existing licensed center, a properly installed heating plant located in a basement which is not used for child occupancy does not require additional protection where there is a qualified fire separation and with at least a 1¾-inch solid core wood door or equivalent hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.

(6) Any fuel fired water heater or other similar equipment shall be located according to subrules (4) or (5) of this rule, as applicable.

(7) Where electric heating is used, it shall be underwriters' laboratories, inc. labeled or listed permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating which complies with this requirement may be installed in any location.

(8) An auxiliary heating unit, such as a portable combustion or electrical type, shall not be used.

(9) The center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized personnel.

(10) The center shall not store combustible materials within the central heating plant or fuel fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.

(11) The center shall not permit gasoline-powered equipment in the part of a building which is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

(12) If commercial-type laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a "B" labeled fire door and frame assembly in an interior door opening which would expose the center.

(13) Fire dampers shall not be required in 3/4-hour and 1-hour fire-resistive enclosures.

ADMINISTRATIVE RULES

SOAHR #2008-014
DEPARTMENT OF LABOR & ECONOMIC GROWTH

BUREAU OF COMMERCIAL SERVICES

RESIDENTIAL BUILDERS AND MAINTENANCE & ALTERATION CONTRACTORS

Filed with the Secretary of State on June 11, 2008

These rules take effect immediately upon filing with the Secretary of State.

(By authority conferred on the director of the department of labor and economic growth by 1980 PA 299, and Executive Reorganization Order No. 1996-2, MCL 339.308 and 445.2001)

R 338.1521a, R 338.1560, and R 338.1562 are added to the Michigan Administrative Code as follows:

PART 2. LICENSES AND BONDS

R 338.1521a Requirements for examination.

Rule 21a. As a condition for approval to take the residential builder or maintenance and alteration contractor examination, applicants for licensure shall meet all other licensing requirements, including successful completion of the precensure education requirements.

PART 6. EDUCATION

R 338.1560 Instructor qualifications.

Rule 60. An instructor of precensure or continuing competency courses shall possess either of the following qualifications:

- (a) Be qualified pursuant to the requirements of MCL 339.2404b(4).
- (b) Be qualified by experience, education, or both, to supervise and instruct a precensure or continuing competency course required pursuant to MCL 339.2404b, including at least 1 of the following:
 - (i) Properly licensed, certified or approved instructor at a high school, intermediate school district, community college, university, the bureau of construction codes, the Michigan occupational safety and health administration, other government agency, or a proprietary school licensed by the department.
 - (ii) Currently licensed as a residential builder or maintenance and alteration contractor with at least 3 years of experience in the subject matter being taught.
 - (iii) Possess equivalent qualifications approved by the department.

R 338.1562 School, institution, sponsor or instructor responsibilities.

Rule 62. (1) The school, institution, sponsor, or instructor, as determined appropriate by the department, shall do all of the following:

(a) Submit to the department the qualifications of each instructor to be used in an approved course not fewer than 60 days before the instructor is scheduled to begin instruction. The department may waive this deadline at its discretion.

(b) Report student course completion to the department in a form and manner as prescribed by the department.

(c) Retain all course attendance records for a period of 5 years.

(2) Instructors shall be responsible for all of the following:

(a) Compliance with all laws and rules relating to prelicensure and continuing competency courses pursuant to the act.

(b) Providing students with current and accurate information.

(c) Maintaining an environment conducive to learning.

(d) Assuring and certifying attendance of students enrolled in courses.

(e) Providing assistance to students and responding to questions relating to course materials.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the State Office of Administrative Hearings and Rules for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the State Office of Administrative Hearings and Rules.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

SOAHR 2008-012

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on

These rules take effect 14 days after filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2 and 2003-18, MCL 408.1019, 408.1021, 445.2001, and 445.2011)

Draft June 13, 2008

R 408.42901, R 408.42904, R 408.42907, R 408.42910, R 408.42913, R 408.42916, R 408.42919, R 408.42922, R 408.42925, R 408.42928, R 408.42931, R 408.42934, R 408.42937, R 408.42940, and R 408.42943 are added to the Michigan Administrative Code as follows:

PART 29. COMMUNICATION TOWERS

R 408.42901 Scope.

Rule 2901. These rules set forth the minimum requirements for employers to protect employees from the hazards associated with working on communication towers, which includes antenna and antenna supporting structures, broadcast, and other similar structures that support communication related equipment, during construction, alteration, repair, operation, inspection, maintenance, and demolition activities.

R 408.42904 Availability of referenced documents.

Rule 2904. (1) The Federal Communications Commission 47 CFR 1.1310 radiofrequency radiation exposure limits standard is adopted by reference in these rules and is available without cost as of the time of adoption of these rules by accessing the United States government printing office at website: http://www.access.gpo.gov/nara/cfr/waisidx_06/47cfr1_06.html then scrolling down to 1.1310 radiofrequency radiation exposure limits, or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.

(2) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: <http://www.michigan.gov/mioshastandards>. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction safety standard part 1. general rules, R 408.40101 to R 408.40134.

(b) Construction safety standard part 10. lifting and digging equipment, R 408.41001a to R 408.41099a.

(c) Construction safety standard part 11. fixed and portable ladders, R 408.41101 to R 408.41140.

(d) Construction safety standard part 21. guarding of walking and working areas, R 408.42101 to R 408.42160.

(e) Construction safety standard part 45. fall protection, R 408.44501 to R 408.44502.

(f) Occupational health standard part 472. medical services and first aid, R 325.47201.

(3) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) ANSI/TIA-1019 2004 structural standards for steel gin poles used for installation of antenna towers and antenna supporting structures. Cost \$109.00.

(b) ISO standard 4406, hydraulic fluid power--fluids--method for coding the level of contamination by solid particles, second edition, december 1999. Cost: \$60.00.

(c) The standards referenced in subrule 3(a) and (b) of this rule are also available for inspection at the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(d) Copies of the standards referenced in subrule (3)(a) and (b) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in subrule (3)(a) and (b), of this rule, plus \$20.00 for shipping and handling.

R 408.42907 Definitions.

Rule 2907. (1) "Anti-two block device" means a positive acting device that prevents contact between the load block or overhaul ball and the top block (two-blocking), or a system that deactivates the hoisting action before damage occurs in the event of a two-blocking situation.

(2) "Authorized climber" means an individual with the physical capabilities to climb; who may or may not have previous climbing experience; has been trained in fall protection regulations, the equipment that applies to communication structures work, and instruction for proper use of the equipment.

(3) "Boatswain chair" [bosun chair (seat)] means a seat consisting of a board and a rope and any support where a person can sit (especially the part of a chair or bench, or similar equipment on which the person sits) for working at heights on structures.

(4) "Brakes" mean a mechanical or hydraulic system that can decelerate or stop a load.

(5) "Catheads or capstans" mean a spool-shaped metal mechanical device mounted on the end of a shaft around which a rope is wrapped. A capstan is similar to a cathead but is mounted in the vertical position.

(6) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees and who has authorization to take prompt corrective measures to eliminate problems.

(7) "Crew chief/supervisor/foreman" means one who is authorized and designated as competent and qualified by the employer.

(8) "Crown block (top block or load block)" means the sheave assembly used to change the direction of the load line or jump line coming from the hoist and is attached at the uppermost location of the structure for the project to lift loads.

(9) "Drum" means a cylindrical member with flanges on each end around which rope is wound for lifting or lowering a load.

(10) "Flemish eyes (Molly Hogan)" means an eye splice made by using stranded cable and weaving them together to make an eye.

(11) "Foot block" means a block stationed at the base of a structure that allows the wire rope to change direction 90 degrees to go up the structure.

(12) "Full body harness" means a body support that is designed to contain the torso in such a manner that fall arrest forces are distributed over at least the upper thighs, pelvis, chest, and shoulders.

(13) "Gin pole" means a device unique to the telecommunications industry used to raise successive sections of tower steel, antennas, or equipment into position. This temporary device allows headroom above the highest fixed point of the tower or structure.

(14) "Gross load" means the total load to be lifted. This includes the weight of the lifted object, headache ball, the load line, tag line, and any other attachments.

(15) "Hoist Mechanism or Hoist" means the complete unit including frame, prime mover (winch assembly), pumps, motors, drums, and any associated equipment that is necessary to make the complete unit work.

(16) "Hoisting" means the act of lifting and lowering loads or personnel.

(17) "Load chart" means a chart used to determine the lifting capacities under specified parameters and an understanding of the working parameters within which the capacities are to be used.

(18) "Load line" means a wire rope of sufficient size and strength to raise the intended gross load safely.

(19) "Maximum intended personnel load/gross load" means the total load of all employees, tools, materials, load lines, and other loads reasonably anticipated to be applied to the hoist apparatus when an employee is hoisted.

(20) "Oil sample analysis" means a method used to evaluate oil, which may not mean a laboratory analysis, but can be effectively accomplished in the field by a qualified person.

(21) "One-hundred percent (100%) fall protection" means each employee exposed to fall hazards above 6 feet while ascending, descending, or moving point to point, must be protected by fall protection, as described in R 408.42910 Fall protection, at all times.

(22) "Operator" means a person who runs (operates) equipment, such as winches, cranes, or hoists.

(23) "Pitch diameter" means the root diameter of drum, lagging or sheave, plus the diameter of the rope.

(24) "Positive locking system" means a system that creates a mechanical means of ensuring that the connection or interface between 2 components will not slip.

(25) "Powered lowering" means the act of controlled lowering of a load by the use of a system or device in the power train, which can control the lowering speed of the winch assembly.

(26) "Prime mover" means the system that provides the energy to rotate the winch assembly.

(27) "Proficient" means a thorough competence derived from training and practice.

(28) "Proof test" means the act of testing the rigging and hoist mechanism whenever newly rigged or after any changes are made to the hoist mechanism or rigging.

(29) "Pulley" means a sheave wheel that is grooved on the outer circumference to hold a wire rope in place while turning and allows a mechanical advantage for lifting or a change in direction.

(30) "Qualified person" means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(31) "Rated capacity" means the load that a winch assembly may handle under given operating conditions and at a known design factor.

(32) "Rigging" means, but is not limited to, chains, ropes, pulleys, hooks, and all accompanying hardware for lifting, lowering, suspending, and fastening loads.

(33) "Side plates" means the side plates of sheaves or double plate attachment points that support the sheave.

(34) "Similar structures" means any structure that holds equipment relevant to the communication industry.

(35) "Slings" means a looped wire rope, strap, or chain for supporting, cradling, or lifting an object.

(36) "Static brakes" means brakes used once the motion of the drum has come to a complete stop to prevent creeping or slippage. Static brakes are not necessarily separate from the primary braking system or may be redundant in application. A locking device on a primary braking system may be used.

(37) "Tag line and/or trolley line" means a method or system of applying a force to control a load and having the ability to create a space between the load and structure or gin pole.

(38) "Teardown inspection" means the complete disassembly, cleaning, inspection, and replacement of all worn, cracked, corroded or distorted parts such as pins, bearings, shafts, gears, brake rotors, brake plates, drum, and base that may affect the operation of the winch assembly.

(39) "Trial lift" means testing a specified load weight from ground level to the location of where personnel or equipment are to be hoisted.

(40) "Two blocking" means an unsafe condition that occurs on a system when the overhaul ball, hook block, or headache ball on the load line comes in contact with the main load sheave.

(41) "Winch Assemblies" means a device with a cylindrical drum with end flanges, shaft, shaft support, gears, and brakes used to lift or lower items.

R 408.42910 Fall protection.

Rule 2910. (1) Prior to employees being exposed to elevations above 6 feet, the employer shall ensure that 100% fall protection systems compatible with the tasks assigned are provided, used, and maintained as required in this rule.

(2) These rules shall not require the retrofitting of communication towers provided that employees who are exposed to fall hazards above 6 feet while performing work on communication towers are protected from such hazards by means of a 100% fall protection system.

(3) In addition to the criteria for pre-climb planning and inspection included in subrule (8) of this rule, all of the following shall occur prior to employees climbing the tower at heights above 6 feet:

(a) All projects requiring climbing shall be planned by a competent person.

(b) All climbing facilities shall be visually inspected daily at the tower base by a competent person for rust, corrosion, deterioration, or other hazards on the climbing facilities that could lead to death or injury of an employee in the performance of their duties. Additionally, the climbing facilities shall be visually inspected for these items as the employees ascend to the elevation point where work is being performed. If any such hazard is identified during this inspection, employees shall not use the climbing facility until such hazards are abated.

(c) A competent person shall ensure that all fall protection equipment is inspected prior to each use for wear, damage, defect, or other deterioration by employees who have been trained in accordance with R 408.42916. Defective equipment shall be identified and tagged as defective and immediately removed from service.

(d) Components of a fall protection system and the fall protection equipment used by employees shall be compatible with one another and shall be used in accordance with construction safety standard part 45. fall protection, being CFR 1926.502(d) Personal fall arrest systems, adopted by reference in R 408.44501 and R 408.44502.

(e) The planning and inspections shall be performed and documented. The documentation shall be maintained on-site while work is being performed. The documentation shall include the date of the planning and inspection, the name of the competent person performing the planning and inspection, and the site location.

(4) An employer shall comply with the requirements of subrule (1) of this rule in 1 of the following ways:

(a) Permit employees to use the 100% fall protection systems described in subrules (5) to (8) of this rule.

(b) If the fall protection systems described in subrules (5) to (8) of this rule are not present, the employer shall not permit employees to climb the tower at heights above 6 feet unless at least 1 of the following conditions is met:

(i) An alternative means of 100% fall protection is used that is at least as effective as the fall protection systems described in subrules (5) to (8) of this rule.

(ii) An alternative means of access to the work area is used such as an aerial lift or elevated work platform.

(iii) The employer can demonstrate that the requirements for a fall protection plan under subrule (4)(c) of this rule have been met.

(c) When employees are working on a structure where no adequate tie-off anchorage points exist, the fall protection systems described in subrule (4)(a) and (b) of this rule are not feasible or create a greater hazard, and the work cannot be completed utilizing an alternative means of access to the work area such as an aerial lift or elevated work platform, then an employer shall comply with construction safety standard part 45. fall protection, R 408.44501 and R 408.44502, and ensure all of the following:

(i) That each employee under the fall protection plan has been trained as an authorized climber.

(ii) That the fall protection plan shall be made available and communicated to exposed employees prior to the employees beginning work, and such communication shall be documented by the employer.

(iii) That the fall protection plan shall identify each location on the tower/structure where fall protection methods as described in subrule (4)(a) and (b) of this rule cannot be used. As soon as adequate tie-off anchorage points or other fall protection systems can be established, the employer shall use any of the fall protection systems described in subrule (4)(a) and (b) of this rule.

(5) Guardrail systems and their components that are used by employees as a means of 100% fall protection shall conform to the criteria in construction safety standard part 45. fall protection, being CFR 1926.502(b) guardrail systems, adopted by reference in R 408.44501 and R 408.44502.

(6) Personal fall arrest systems and their components that are used by employees as a means of 100% fall protection shall conform to the criteria in construction safety standard part 45. fall protection, being CFR 1926.502(d) personal fall arrest systems, adopted by reference in R 408.44501 and R 408.44502. The employer shall ensure that the attachment points to the structure, when used by employees as an anchorage as part of a personal fall arrest system (PFAS), are designed to meet the requirements of an approved anchorage in accordance with construction safety standard part 45. fall protection, being CFR 1926.502(d) personal fall arrest systems, adopted by reference in R 408.44501 and R 408.44502.

(7) Positioning device systems and their components that are used by employees as a means of 100% fall protection shall conform to the criteria in construction safety standard part 45. fall protection, being CFR 1926.502(e) positioning device systems, adopted by reference in R 408.44501 and R 408.44502.

(8) In addition to the applicable criteria in construction safety standard part 11. fixed and portable ladders, R 408.41101 to R 408.41140 and part 21. guarding of walking and working areas, R 408.42101 to R 408.42160, ladder safety systems and related support systems for fixed ladders that are used by employees as a means of 100% fall protection shall conform to all of the following criteria:

(a) Prior to climbing the structure, a competent person shall ensure that the ladder safety system has been inspected for proper operation and that all components used with the ladder safety system are compatible.

(b) To perform an inspection required by subrule (8)(a) of this rule, employees shall do all of the following:

(i) Approach the ladder at the base and connect to the functional safety climb system.

(ii) Attach to the base of the fall arrest system. If the attachment point is above 6 feet, then 100% fall protection shall be used. The 100% fall protection shall be attached to an alternate approved anchorage point.

(iii) Forcibly engage the device without letting go of the ladder.

(iv) If the device does not function properly, employees shall not use the device until it functions properly.

(c) If a ladder is obstructed, inhibiting the effective use of the ladder safety system, an alternative means of 100% fall protection shall be used that is at least as effective as the types of fall protection described by this rule.

R 408.42913 Emergency response.

Rule 2913. (1) The employer shall establish and document procedures for rescue of employees in the event of an emergency, which shall include whether the employer will designate its own employees to perform the rescue procedures or whether the employer will designate a third party to perform the rescue procedures. The documented procedures shall be available for review by the director of the Michigan department of labor and economic growth or his or her designee, upon request.

(2) When an employer uses employees to provide elevated (high angle) rescue and emergency services, the following measures shall be taken:

(a) Ensure at least 2 rescue-trained employees are on-site when employees are working at heights over 6 feet on the structure. When there are only 2 employees on-site and 1 of these employees has been employed for less than 12 months, then that new employee must minimally have documented rescue training which includes steps to be taken in an emergency.

(b) Ensure that personal protective equipment (PPE) and high angle rescue equipment needed to conduct elevated rescues are provided, used, and maintained by the rescue-trained employees.

(c) Train rescue employees so they are proficient in the use and maintenance of PPE and high angle rescue equipment needed to conduct elevated rescues.

(d) Train rescue employees to perform assigned rescue duties to ensure that they maintain the ability to perform and demonstrate such duties by conducting and documenting simulated rescue operations at least once every 12 months. The employer shall keep documentation available for review by the director of the department of labor and economic growth or his or her designee, upon request.

(3) An employer who designates a third-party rescue and emergency service to provide elevated (high angle) rescue and emergency services shall take all of the following measures:

(a) Obtain verification from the third-party rescue team or service that it is able to respond to a rescue summons in a timely manner.

(b) Obtain verification from the third-party rescue team or service that it is proficient with rescue-related tasks and equipment as they relate to rescuing climbers from elevated heights on communication structures.

(c) Select a rescue team or service from those evaluated that has verified it has the capability to reach the victims and is equipped for and capable of performing the needed rescue services.

(d) Provide the selected rescue team or service with contact information regarding all towers/structures from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations as it deems necessary.

(e) Provide the selected rescue team or emergency service, prior to the first day on which employees perform work at heights over 6 feet, of the site and location of the structures, the number of employees that will ascend/descend the structures, the heights at which employees will be working, the names and telephone numbers for any employer contacts, expected project duration, and any other information that is requested by the rescue team or emergency service.

(4) In addition to the requirements of occupational health standard part 472. medical services and first aid, R 325.47201, and construction safety standard part 1. general rules, R 408.40132 medical services and first aid, the employer shall ensure that at least 2 employees on site are trained and hold current certifications in basic first aid and cardiopulmonary resuscitation (CPR) issued by the American red cross or any other organization whose standards are equivalent to the American red cross. When there are only 2 employees on-site and 1 of these employees has been employed for less than 6 months, then only the other employee must be trained and hold current certifications in basic first aid and CPR.

R 408.42916 Training.

Rule 2916. (1) In order for employees to work at heights above 6 feet, they must be approved for such work by a competent person.

(2) Training of employees shall be performed by a qualified person able to perform such training.

(3) The employer's written work procedures shall be provided to employees as part of their training.

(4) Pictures and symbols may be used as a means of instruction if employee understanding is improved using this method.

(5) The employer shall ensure that each employee working at heights above 6 feet has been trained in all of the following areas:

(a) The nature of fall hazards in the work area.

(b) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used.

(c) The correct procedures for inspecting fall protection equipment for wear, damage, defect, or deterioration.

(d) Climbing safety procedures.

(e) The use and operation of the fall protection systems used by the employer, as described in R 408.42910(4).

(f) The role of employees in fall protection plans.

(g) The compatibility of fall protection equipment and fall protection systems.

(6) All employees who may be exposed in excess of the general population/uncontrolled maximum permissible exposure (MPE) limits stated in the federal communications commission 47 CFR 1.1310 radiofrequency radiation exposure limits standard shall receive radio frequency (RF) hazard awareness training by a qualified person able to perform such training in all of the following areas:

(a) General population/uncontrolled MPE limits.

(b) Recognition of RF exposure sources in communication tower work.

(c) Proper use and interpretation of RF exposure.

(d) Work procedures to avoid excessive RF exposure.

(e) Proper use of RF protective clothing and other related PPE.

(f) Symptoms and health issues related to RF exposure.

(g) RF exposure first-aid procedures.

(h) Exposure to induced current hazards.

(7) Employers shall ensure that each affected employee who works in an electromagnetic energy environment with potential RF exposure in excess of the general population/uncontrolled MPE limits stated in the federal communications commission 47 CFR 1.1310 radiofrequency radiation exposure limits standard has access and understands the specific site information related to the RF energy and RF fields present at each individual site.

(8) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by this rule, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, the following situations:

- (a) Changes in the workplace render previous training obsolete.
- (b) Changes in the types of fall protection systems or equipment to be used render previous training obsolete.
- (c) Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

R 408.42919 Training certification and records.

Rule 2919. (1) The employer shall document that each employee has been trained with a certification record that includes all of the following:

- (a) The identity of the person trained.
 - (b) The signature of the employer or the qualified person who conducted the training.
 - (c) The date that training was completed.
 - (d) A description of the training.
- (2) The employer shall maintain a copy of the training lesson plan for each topic of instruction.
- (3) The employer shall prepare the certification record at the completion of the training required by these rules and shall be maintained for the duration of the employee's employment.
- (4) The most current certification record shall be kept available for review by the director of the department of labor and economic growth or his or her designee, upon request.
- (5) An employer may accept training records or certificates for previous training if the employer verifies that all training and knowledge is up-to-date and applicable to the new employee's job duties.

R 408.42922 Hazard identification.

Rule 2922. (1) In addition to the inspections required by R 408.42910(3), the employer shall ensure that a hazard assessment is performed to identify, assess, and control employee exposure to hazards as required by these rules and any other applicable state or federal statutes, rules, or regulations. Hazard assessments required by this rule shall be documented as follows:

- (a) Initially and daily for each site by a competent person prior to permitting employees to climb the structure.
 - (b) When safety and health information or change in workplace conditions indicates that a new or increased hazard may be present.
- (2) The hazard assessments required by this rule shall do the following:
- (a) Be performed by a competent person.
 - (b) Evaluate new equipment, materials, and processes for hazards before they are introduced into the workplace.
 - (c) Identify meteorological conditions that could affect work at heights above 6 feet on a tower, such as wind, rain, snow, or ice.
- (3) If hazards are identified, the employer shall assess the severity of identified hazards and implement means to control such hazards, including providing employees with personal protective equipment (PPE) designed to control the identified hazards and ensuring the proper use of the PPE by the employees.

R 408.42925 Hoists.

Rule 2925. (1) Prior to the use of hoists during construction, alteration, repair, maintenance, or demolition of communication towers, the employer shall ensure that they meet the following requirements:

- (a) All hoists and operations shall meet the requirements of construction safety standard part 10. lifting and digging, R 408.41001a to R 408.41099a, where applicable.

(b) All applicable requirements for design, construction, installation, testing, inspection, maintenance, and operation of hoists as prescribed by the manufacturer or a licensed professional engineer are met.

(c) The operating manual developed by the manufacturer, or licensed professional engineer, for the specific make and model hoist being used, as well as documentation for any inspection, testing, and operator training certification required by these rules shall be maintained at the work site.

(d) Documentation shall be maintained that the hoist operator has practical training on the hoist being operated.

(2) The employer shall ensure that when mounting the hoists and winches, all of the following provisions shall apply:

(a) Attachment of the winch assembly to the structure shall be sized to resist at least 2.0 times the reactions induced at the maximum attainable line pull.

(b) The alignment of winch assembly components will be maintained within limits that shall prevent premature deterioration of gear teeth, bearings, splines, bushings, and any other parts of the hoist mechanism.

(c) The hoist mechanism may be designed to lift materials and also personnel with the same drum or drums.

(d) Winch assemblies shall comply with all of the following:

(i) The winch drum shall have a positive means of attaching the wire rope to the drum.

(ii) The winch drum and load blocks shall have a diameter or enough layers on the drum to maintain a minimum of an 18:1 pitch diameter ratio to the wire rope.

(iii) If the winch drum cannot maintain an 18:1 pitch diameter ratio on the bare drum, then at least 3 wraps shall be maintained.

(iv) During operations the drum flange will be a minimum of 1/2 inch higher than the top layer of the wire rope.

(e) Hoist brakes shall comply with all of the following:

(i) Brakes shall be capable of controlling the descent of a load.

(ii) Brakes shall be capable of stopping the load in such a way as that it does not induce shock loading.

(iii) If the hoist mechanism has the ability to free spool, then it shall have a means of a positive locking system to prevent free spooling during personnel hoisting.

(f) Winch assemblies shall be provided with a primary brake and at least 1 independent secondary brake, each capable of holding 125% of the lifting capacity of the hoist.

(i) The primary and secondary brake shall be directly connected to the drive train of the winch assembly and shall not be connected through belts, chains, etc.

(ii) The primary and secondary brake, when actuated, shall decelerate, stop, and hold the load in a controlled manner that will not induce shock loading.

(g) Brakes shall be provided with adjustments, where necessary, to compensate for wear and to maintain adequate force on springs where used.

(h) Brakes shall be provided to prevent the drum from rotating in the lowering direction and shall be capable of holding the load indefinitely without attention from the operator.

(i) An automatic means to set brakes in the event the loss of brake actuating power shall be provided on winch assemblies that have no continuous mechanical linkage between the brake actuator and the brake.

(j) Static brakes shall be provided to hold the drum from rotating in the lowering direction and shall be capable of holding the load indefinitely without attention from the operator. Brakes shall be automatically applied upon return of the control lever to its center (neutral) position. Brakes, which are applied on stopped hoist drums, shall have sufficient impact capacity to hold 1.5 times the rated torque of the hoist.

(k) Hoist controls shall comply with all of the following:

(i) The hoist mechanism shall have at the operating station a means to start and stop the prime mover under emergency conditions.

(ii) All controls used during the normal operation of the hoist mechanism shall be located within easy reach of the operator while at the operator's station.

(iii) All control levers must spring return to neutral when released or have a comparable system that allows the braking mechanism to set automatically.

(iv) All control levers shall be clearly marked and easily visible from the operator's station.

(v) Foot-operated pedals, where provided, shall be constructed so the operator's feet will not readily slip off and the force necessary to move the pedals shall be easily accomplished.

(vi) Foot-operated brakes shall be equipped with a locking device to maintain the brake in a loaded position.

(l) The manufacturer's guidelines for repair and modification shall be used; however, when these are not available, the following minimum guidelines shall be used:

(i) Repaired hoists shall be line pull tested to the maximum rated load and the winch assembly shall be rotated several times in both hoisting and lowering directions under maximum rated load while checking for smooth operation.

(ii) Prior to initial use, all new, altered, or modified hoist mechanisms shall be inspected by a qualified person.

(iii) Documentation of all modifications and repairs shall be maintained and available for review for a minimum of 2 years.

(iv) A qualified person shall monitor all repairs or modifications.

If modifications alter the line pull or performance of the unit, then a revised load chart must be installed to reflect the change.

(m) Hoist/winch guarding shall comply with all of the following:

(i) Belts, pulleys, gears, shafts, sprockets, spindles, drums, fly wheels, chains, or other rotating parts shall be fully guarded to prevent employee contact.

(ii) All exhaust pipes shall be guarded where exposed to employee contact.

(n) For inspections, testing, and maintenance, the manufacturer's guidelines and recommendations shall be used. However, when not available, the following minimum guidelines shall be used:

(i) A competent person, knowledgeable of hoists, shall complete inspections.

(ii) All repair and inspection records shall be available and accessible for a minimum of 2 years.

(iii) A tear down inspection record shall be available until the next teardown inspection is completed.

(iv) Any hoist that has been idle for a period of over 6 months shall be given an annual inspection.

(v) Any hoist that has an unknown history of repair or maintenance shall have a tear down inspection.

R 408.42928 Catheads or capstans.

Rule 2928. When operating catheads or capstans the employer shall ensure that the following requirements are met:

(a) The operator will be properly trained on the operation of catheads or capstans.

(b) The operator shall use at least 3 wraps of rope on the drum and not place so many wraps on the drum as to allow the rope to ride over the end of drum.

(c) Precautions shall be taken to prevent entanglement of other lines with a line in use on a cathead.

(d) When a cathead is unattended, a rope or line shall not remain wrapped on or in contact with the cathead.

(e) A qualified employee shall attend the draw works control when a manually operated cathead is in use.

(f) A splice shall not be allowed to contact the cathead friction surface, with the exception of endless rope properly spliced.

- (g) A natural or synthetic rope shall not be used for load carrying service if any of the following apply:
 - (i) It is frozen or has been subjected to corrosive chemicals or extreme temperatures.
 - (ii) It has begun to unravel.
 - (iii) It has external abrasions, cuts, or broken fibers, decay, burns, softness, or variation in size or roundness.
 - (iv) It has internal presence of grit, broken fibers, mildew or mold, color change, powdering, or loose fibers.
- (h) Natural or synthetic rope shall not be used if there is exposure to corrosive substances, chemicals, or heat.
- (i) Catheads or capstans shall not be used to raise or lower personnel or to lift loads directly over personnel.

R 408.42931 Gin poles.

Rule 2931. When installing gin poles, the employer shall ensure that the following requirements are met:

- (a) The gin pole shall be attached to a structure in an arrangement, as shown in Figure 2.1 of the ANSI/TIA-1019 2004 Structural Standards for Steel Gin Poles Used for Installation of Antenna Towers and Antenna Supporting Structures, with its upper portion cantilevering above the tower top.
- (b) The employer shall ensure that when the gin pole is designed, consideration shall be given to the possibility of personnel climbing the pole to perform rigging functions and for tie off points to accommodate fall protection equipment.
- (c) The rooster head which is located at the top of the gin pole shall meet the following requirements:
 - (i) The side plates shall have bolts or pins with spacers around the sheave so the load line is held in place and side plate distance is controlled.
 - (ii) Sheave diameter and groove shall be designed for the load line size intended.
 - (iii) The distance between the sheave edge and the side plate shall not exceed 25 percent of load line diameter.
- (d) Tracks used to guide and support gin poles during the jumping process shall not be used as a bridle or mid-level support unless specifically designed for such use.
- (e) The load line is used to raise and lower the intended load. The load line shall leave the hoist at ground level, go through a block at the base of the tower, then up through the middle of the pole, through the rooster head and back down to the ground to pick up the intended load.
- (f) A gin pole chart shall be provided for each pole. Gin pole charts shall contain all of the following information as a minimum:
 - (i) Identification number or other reference.
 - (ii) Gin pole description.
 - (iii) Safe lifting capacities (gross load) based on cantilever projection (L_a), overall gin pole length (L), and type of tag.
 - (iv) Reaction forces at gin pole attachment points.
 - (v) A table to convert degrees to a field measurement.
 - (vi) A warning that the load chart is for lifting loads and to reduce the safe lifting capacity by 1/2 when lifting personnel.
- (g) All lifts shall be within the ratings allowed in the "Load Chart." Any lift or lifting to be allowed on a special basis, which is outside of the "Load Chart," shall only be allowed at the direction of a professional engineer. Special monitoring and measuring conditions, as specified by the engineer, shall be provided and used in the field during all "Special Engineered Lifts."
- (h) Markings for gin poles shall be as follows:
 - (i) Each gin pole shall be permanently marked with an identification number that references a specific load chart.

- (ii) For proper assembly, each section and leg of the gin pole shall be marked in a specified sequence.
- (i) The designer/engineer specified straightness tolerances shall be used for inspection. Minimum inspection criteria for gin poles shall be as follows:
 - (i) A detailed documented inspection annually or within 1 year prior to being placed in service.
 - (ii) A general visual inspection during assembly prior to use on a specific project.
 - (iii) After any abnormal occurrence.
 - (j) Rigging equipment for the gin pole shall comply with all of the following:
 - (i) Wire rope, slings, chains, shackles, turnbuckles, links, hooks, sheaves, rotating rooster heads, blocks, and hoists, used in a gin pole lifting arrangement shall meet the manufacturer's safe working load limits. In addition, each component shall have a nominal breaking strength of not less than 5 times the static load applied. Consideration for end fitting losses and actual positioning of connecting parts shall be given.
 - (ii) Lugs or other devices for lifting or attaching the gin pole in position shall be designed with load and resistance factors appropriate for their intended use.
 - (iii) Only alloy chains marked by the manufacturer with an 8, T, or A, rated for lifting, shall be used.
 - (iv) Only quenched and tempered hooks and shackles shall be used. The manufacturer's load rating shall be stamped on the product.
 - (v) The breaking strength of the sheave shall equal or exceed the breaking strength of the wire rope intended for the sheave.
 - (k) Gin pole use shall comply with the following:
 - (i) A user's gin pole load chart shall be provided for each pole.
 - (ii) Any special engineered lift that is outside of the load chart shall only be allowed at the direction of a licensed professional engineer. Monitoring and measuring conditions, as specified by a licensed professional engineer, shall be provided and used during all special engineered lifts.
 - (iii) Modifications or repairs of a gin pole shall be made with like or similar materials to meet or exceed the original specifications. Modifications or repairs shall be recertified by a licensed professional engineer.
 - (iv) A mechanism shall be in place to prevent the gin pole from tipping during the jumping process.
 - (l) Wire rope used for rigging shall be as follows:
 - (i) Compatible with the sheaves of the rooster head and hoisting blocks.
 - (ii) Lubricated in accordance to manufacturer specifications to prevent corrosion and wear.
 - (iii) End connections shall be terminated per industry and manufacturer's specifications.
 - (iv) Wedge sockets shall have a minimum tail length of 1 rope lay with a properly torqued clip attached to prevent accidental disengagement.
 - (v) Only manufactured Flemish eyes will be acceptable.
 - (m) The employer shall ensure that gin pole inspections include all of the following:
 - (i) Gin poles shall have a documented inspection annually by a qualified person.
 - (ii) In addition to the annual inspection, the employer shall designate a competent person who shall visually inspect the gin pole and rigging prior to each use, and during use, to ensure it is in safe operating condition. Any deficiencies shall be repaired before use continues.
 - (iii) During each inspection, a qualified person or a competent person shall do all of the following:
 - (A) Inspect the legs and bracing members for bends or distortion.
 - (B) Inspect the straightness tolerances for the overall assembly (including leg and bracing members).
 - (C) Visually inspect the welds for quality, deformation, cracks, rust, pitting, or loss of cross sectional area.
 - (D) Inspect the members for excessive rust, pitting, or loss of cross sectional area.
 - (E) Inspect the sling attachment points for distortion, wear, cracks, and rust.
 - (F) Ensure that proper bolts are used and all associated hardware is in good condition.

- (G) Inspect side plates on rooster heads for distortion or other damage.
- (H) Inspect all attachment hardware, including rigging and parts such as cables, slings, and sling attachment points, shackles, hooks, and sockets for wear, distortion, cracks, and rust.
- (I) Ensure that all problems identified during the inspection are corrected before placing the gin pole into service.

R 408.42934 Personnel lifting.

Rule 2934. (1) Before an employee may perform any job related to hoisting employees aloft for work, the employee shall receive training on safe access pursuant to these rules. The operator of the hoist shall have a thorough understanding and comply with subrules (2) to (9) of this rule pertaining to hoisting employees on the hoist line.

(2) An anti-two block device shall be used on all hoists, except where an employer can demonstrate that ambient radiation frequency (RF) precludes that use. In such case, a site-specific rigging plan shall be established and maintained on-site to ensure that two blocking cannot occur and that effective communication between the hoist operator and personnel being hoisted is maintained. This plan may include a cable marking system, an employee situated on the tower in a position to observe the top block, or any other system that will adequately ensure communication. All of the following shall apply:

- (a) A qualified person shall make the following determinations:
 - (i) The rigging, hoist line, and slings shall have a factor of safety of 10:1 against failure during personnel lifts.
 - (ii) The hoist line used to raise or lower employees must be wire rope and may be equipped with a swivel to prevent any rotation of the employees.
 - (iii) If a swivel is not used, then an alternate means shall be used to keep the employees under control at all times.
 - (iv) If spin resistant wire rope is used, additional and more frequent inspections are required due to different wear trends.
- (b) When hoisting personnel (versus material), the hoist capacity load rating shall be de-rated by a factor of 2 (reduced by 1/2) and must maintain a 10:1 factor of safety after the reduction is considered. All employees shall be provided with and required to use the proper personal protective equipment (including fall protection equipment) that shall be inspected before each day before use.
- (c) Except where the employer can demonstrate that specific circumstances or conditions preclude its use, a guide line (tag line) shall be used to prevent the employees or the platform from contacting the tower during hoisting.
- (d) The gin pole shall be thoroughly inspected before use by a competent person to determine that it is free from defects, including but not limited to, damaged and/or missing members, corrosive damage, missing fasteners and cracked or broken welds at joints, and general deterioration.
- (e) The gin pole shall be attached to the tower as designed by a registered professional engineer. There shall be a minimum of 2 attachment locations, 1 at the bottom of the gin pole and 1 near the top of the tower or the highest position available on the structure.
- (f) The personnel load capacity and material capacity of the lifting system in use shall be posted at the site near the location of the hoist operator. If the system is changed (for example, if the gin pole angle is changed), the posted capacity shall be changed accordingly.
- (g) In situations where a gin pole is not being used on a communication tower and similar structures, a crown block may be used on the structure instead of a gin pole for access to the work location.
- (3) A trial lift of the maximum intended personnel load shall be made from ground level to the location to which personnel are to be hoisted.
 - (a) The trial lift shall be made immediately prior to placing personnel on the hoist line.

(b) The hoist operator shall determine that all systems, controls, and safety devices are activated and functioning properly.

(c) A single trial lift may be performed for all locations that are to be reached from a single set-up position.

(d) The hoist operator shall determine that no interference exists and that all configurations necessary to reach those work locations remain under the limit of the hoist's rated capacity and additionally maintain a 10:1 factor of safety against failure.

(e) The trial lift shall be repeated prior to hoisting employees whenever the hoist is moved and set up in a new location or returned to a previously used position.

(f) After the trial lift, employees shall not be lifted unless the following conditions are met:

(i) Hoist wire ropes are determined to be free of damage in accordance with the provisions of construction safety standard part 10. lifting and digging equipment, R 408.41001a to R 408.41099a.

(ii) Multiple part lines are not twisted around each other.

(iii) The proof testing requirements have been satisfied.

(g) If the hoist wire rope is slack, the hoisting system shall be inspected to ensure that all wire ropes are properly seated on drums and in sheaves.

(h) A visual inspection of the hoist, rigging, base support, and foundation shall be made by a competent person immediately after the trial lift to determine whether testing has exposed any defect or adverse effect upon any component of the structure.

(i) Any defects found during the inspection that may create a safety hazard shall be corrected and another trial lift shall be performed before hoisting personnel.

(ii) Prior to hoisting employees and after any repair or modification, the system shall be proof tested to its rated load, holding it in a suspended position for 5 minutes with the test load evenly distributed (this may be done concurrently with the trial lift).

(iii) After proof testing, a competent person shall inspect the rigging. Any deficiencies found shall be corrected and another proof test shall be conducted.

(4) A pre-lift meeting shall be held before the trial lift at each location and each time a new employee is assigned to the operation. The pre-lift meeting shall meet both of the following requirements:

(a) The hoist operator, each employee to be lifted, and the crew chief shall attend.

(b) The hoist operator shall review the procedures to be followed and all appropriate requirements contained in this rule with the other individuals present.

(5) The employer shall ensure that all trial lifts, inspections, and proof tests shall be performed and documented, and the documentation shall remain on site during the entire length of the project. The employer shall ensure that the pre-lift meeting is documented, and the documentation shall remain on site during the entire length of the project.

(6) Employees shall be hoisted to their work stations by using a personnel platform or by using a boatswain chair and/or boatswain seat-type full body type harness.

(a) When a boatswain chair or boatswain seat-type full body harness is used to hoist employees, the following shall apply:

(i) Not more than 2 employees may be hoisted at a time.

(ii) When hoisting an employee in a boatswain type full body harness, the harness shall be attached to the hoist wire rope line in such a manner as to utilize the boatswain seat part of the harness, placing the employee into a sitting position and a fall arrest lanyard must be attached from the back D ring of the full body harness to a separate attachment point.

(iii) Only locking-type snap hooks shall be used.

(iv) The harness shall be equipped with 2 side rings and at least 1 front and 1 back D ring.

(v) The hoist line hook shall be equipped with a safety latch that can be locked in a closed position to prevent loss of contact.

- (vi) Employees must maintain 100% tie-off while moving between the hoist line and the tower.
- (b) When a personnel platform is used, the following provisions must be followed:
 - (i) The maximum rate of travel shall not exceed 200 feet per minute when a tag or trolley line is used to control personnel hoists. When a tag or trolley line cannot be used, the rate of travel of the employee being hoisted shall not exceed 100 feet per minute.
 - (ii) In all personnel hoist situations, the maximum rate shall not exceed 50 feet per minute when personnel being lifted approaches to within 50 feet of the top block.
 - (iii) The use of free-spooling (friction lowering) is prohibited. When the hoist line is being used to raise or lower employees, there shall be no other load attached to any hoist line and no other load shall be raised or lowered at the same time on the same hoist.
 - (iv) As-built drawings approved by a registered professional engineer shall provide the lifting capacity of the gin pole and shall be available at the job site.
 - (v) The gin pole raising line shall not be used to raise or lower employees unless it is rated for lifting employees.
 - (vi) Employees must maintain 100% tie-off while moving between the personnel platform and the tower.
- (7) Employees being hoisted shall remain in continuous sight of and/or in direct communication with the operator or signal person. The following shall apply:
 - (a) In those situations where direct visual contact with the operator is not possible and the use of a signal person would create a greater hazard for the person being hoisted, direct communication alone, such as by radio, shall be used.
 - (b) When radios are used, they shall be non-trunked closed 2-way selective frequency radio systems. When hand signals are used, the employees must use industry standardized hand signals.
- (8) Employees shall not be hoisted during adverse weather conditions (high winds, electrical storms, snow, ice, or sleet) or other impending danger, except in the case of emergency employee rescue. The competent person shall make the determination.
- (9) The hoist system (gin pole and its base hoists) used to raise and lower employees on the hoist line, shall not be used unless the following clearance distances are maintained at all times during the lift:

Power line voltage phase to phase (kV)	Minimum safe clearance (feet)
50 or below	10
Above 50 to 200	15
Above 200 to 350	20
Above 350 to 500	25
Above 500 to 750	35
Above 750 to 1,000	45

R 408.42937 Hoists used for personnel lifting.

Rule 2937. (1) The employer shall ensure that the following requirements used for personnel lifting are met:

- (a) The hoist used for personnel lifting shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, modification, repair, and operations as prescribed by the manufacturer.
- (b) Where manufacturers' specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a registered professional engineer.
- (c) The hoist shall be positioned so that it is level and the distance between the drum and the foot block at the base of the tower will allow proper spooling of wire rope. The foot block shall be anchored to prevent displacement and be supported to maintain proper alignment.

(d) The hoist shall be designed to lift materials and personnel with the same drum or drums. Any hoist that has been modified or repaired must be load tested to its rated capacity.

(e) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all hoists.

(f) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other rotating parts, where exposed, shall be properly guarded.

(g) Personnel load capacity for the current configuration of the gin pole shall be on site and available to the hoist operator.

(h) The hoist shall have an hour meter and a line speed indicator if the unit line speed has the ability to exceed 200 feet per minute. The hoist shall be designed for and must use powered lowering.

(i) The alignment of hoist components shall be maintained within manufacturer's specified limits that prevent premature deterioration of gear teeth, bearings, splines, bushings, and any other parts of the hoist mechanism.

(j) All exhaust pipes shall be guarded where exposed. An accessible fire extinguisher of 5BC rating or higher shall be available at the operator's station.

(k) The hoist shall be serviced and maintained per the manufacturer's or a professional engineer's recommendations.

(l) The operating manual developed by the manufacturer for the specific make and model hoist being used shall be maintained at the site at all times.

(m) A hoist log book shall be used to record all hoist inspections, tests, maintenance, and repair. The log shall be updated daily as the hoist is being used and shall be signed by the operator and/or crew chief. Service mechanics shall sign the log after conducting maintenance and repair. The log shall be maintained at the site.

(2) The hoist shall be installed following the manufacturer's mounting procedures according to the following:

(a) To prevent excessive distortion of the hoist base as it is attached to the mounting surface.

(b) Flatness of the mounting surface shall be held to tolerances specified by the hoist manufacturer.

(c) The hoist placement shall have a minimum resistance of at least 2 times the intended load on the job. Anchoring may be necessary to achieve the necessary resistance or to keep the hoist from twisting or turning.

(d) If the hoist is mounted to a truck chassis, it must be properly aligned and all wheels chocked. The hoist placement shall have a minimum resistance of at least 2 times the intended load on the job. Anchoring may be necessary to achieve the necessary resistance or to keep the hoist from twisting or turning.

(3) The hoist drum shall be designed to raise and lower 125% of the rated load of the hoist. All of the following shall apply:

(a) The hoist drum shall have a positive means of attaching the wire rope to the drum.

(b) There shall at all times be at least 3 full wraps of wire rope on the hoist drum when personnel are being hoisted.

(c) During operation, the flange shall be 2 times the wire rope diameter higher than the top layer of wire rope at all times.

(4) Brakes and clutches shall be capable of arresting any over-speed descent of the load. Both of the following shall apply:

(a) The hoist shall be provided with a primary brake and at least 1 independent secondary brake, each capable of stopping and holding 125% of the lifting or lowering capacity of the hoist. All of the following shall apply:

(i) The primary brake shall be directly connected to the drive train of the hoisting machine and shall not be connected through belts, chains, clutches, or screw-type devices.

(ii) The secondary brake shall be an automatic emergency-type brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake. When a secondary brake is actuated, it shall stop and hold the load in a controlled manner that will not induce shock loading.

(b) Brakes and clutches shall be adjusted, where necessary, to compensate for wear and to maintain adequate force on springs where used. Powered lowering must be used.

(c) When power brakes, having no continuous mechanical linkage between the actuating and braking mechanism, are used for controlling loads, an automatic means shall be provided to set the brake to prevent the load from falling in the event of loss of brake actuating power.

(d) Static brakes shall be provided to prevent the drum from rotating in the lowering direction and shall be capable of holding the rated load indefinitely without attention from the operator. Brakes shall be automatically applied upon return of the control lever to its center (neutral) position.

(e) Brakes applied on stopped hoist drums shall have sufficient impact capacity to hold 1.5 times the rated torque of the hoist.

(5) Power plant controls shall be within easy reach of the operator and shall include a means to start and stop, control speed of internal combustion engines, stop prime mover under emergency conditions, and shift selective transmissions. All of the following shall apply:

(a) All controls used during the normal operation of the hoist shall be located within easy reach of the operator at the operator's station.

(b) Controls shall be clearly marked (or be part of a control arrangement diagram) and easily visible from the operator's station. Foot-operated pedals, where provided, shall be constructed and maintained so the operator's feet will not readily slip off and the force necessary to move the pedals can be easily applied.

(c) The controls shall be self-centering controls, for example, "deadman" type, that will return the machine to neutral and engage the drum brakes if the control lever is released.

(6) All wire rope and rigging shall be inspected daily before use. Both of the following shall apply:

(a) All eyes in wire rope slings shall be fabricated with thimbles.

(b) All eyes in wire rope shall be assembled by a qualified person.

(7) The hoist operator shall have classroom training, a minimum of 40 hours experience as a hoist operator, not less than 8 hours experience in the operation of the specified hoist or 1 of the same type, and demonstrated the ability to safely operate the hoist. All of the following shall apply:

(a) The operator shall not operate a hoist when physically or mentally unfit.

(b) The hoist operator shall be responsible for those operations under his or her direct control.

(c) If there is any doubt as to safety, the operator shall have the authority to stop and refuse to handle the load until safety has been assured.

(d) The hoist operator shall remain at the controls at all times when personnel are on the hoist line.

(e) Before starting the hoist, the operator shall ensure the following:

(i) The daily inspection has been conducted.

(ii) All controls are in the "off" position.

(iii) All personnel are in the clear.

R 408.42940 Personnel lifting hoist inspections.

Rule 2940. The employer shall ensure that each day before use, a competent person visually inspects all hoists to verify that the following conditions are met:

(a) The manufacturer's guidelines and recommendations are used; however, when not available, the following minimum guidelines shall be used:

(i) A competent person, knowledgeable of hoists, shall complete inspections.

(ii) All repair and inspection records shall be available and accessible for a minimum of 2 years.

- (iii) A tear down inspection record shall be available until the next teardown inspection is completed.
- (iv) Any hoist that has been idle for a period of over 6 months shall be given an annual inspection.
- (v) Any hoist that has an unknown history of repair or maintenance shall have a tear down inspection.
- (b) The inspection criteria for a gear and hydraulic oil sample analysis is to evaluate the properties of the oil. The general guidelines are the following:
 - (i) Hydraulic oil shall conform to ISO standard 4406, hydraulic fluid power--fluids--method for coding the level of contamination by solid particles, second edition, December 1999, for cleanliness level of 18/16/14.
 - (ii) Gear oil shall conform to the following gear contaminate guideline:
 - (A) 100 to 500 ppm normal.
 - (B) 501 to 800 ppm caution.
 - (C) 801 and up ppm unacceptable.
 - (c) A daily inspection shall be performed, which shall include, at a minimum, all of the following:
 - (i) Engine oil level shall be checked.
 - (ii) Engine coolant levels shall be checked.
 - (iii) Check for external oil leaks.
 - (iv) Hydraulic oil reservoir level shall be checked.
 - (v) All safety devices and brakes shall be checked to ensure they function properly.
 - (vi) A visual inspection shall be conducted for loose or missing structural connections.
 - (d) A semi-annual inspection shall be performed, which shall include, at a minimum, all of the following:
 - (i) Engine oil level shall be checked.
 - (ii) Winch oil level shall be checked.
 - (iii) Engine coolant levels shall be checked.
 - (iv) System shall be checked for external oil leaks.
 - (v) Hydraulic oil reservoir level shall be checked.
 - (vi) All safety devices and brakes shall be tested to ensure they are functioning properly.
 - (vii) A visual inspection shall be conducted for loose or missing structural connections.
 - (viii) A complete oil analysis shall be conducted.
 - (ix) The winch assembly shall be dynamically tested in both the hoisting and lowering directions while under a load of at least 30% of the hoist lifting capacity.
 - (x) The inspection shall be documented in writing and maintained for 2 years.
 - (e) An annual inspection shall be performed, which shall include, at a minimum, all of the following:
 - (i) Engine oil levels shall be checked.
 - (ii) Winch oil levels shall be checked.
 - (iii) Engine coolant levels shall be checked.
 - (iv) System shall be checked for external oil leaks.
 - (v) Hydraulic oil reservoir level shall be checked.
 - (vi) All safety devices and brakes shall be tested to assure they are functioning properly.
 - (vii) A visual inspection shall be conducted for loose or missing structural connections.
 - (viii) A complete hydraulic and gear oil analysis shall be conducted.
 - (ix) The winch assembly shall be dynamically tested in both the hoisting and lowering directions while under a load of at least 30% of the hoist lifting capacity.
 - (x) Lubricating oil in the hoist drum shall be changed after testing.
 - (xi) Hydraulic fluid and filter shall be changed after testing.
 - (xii) The annual inspection shall be documented and maintained for 2 years.
 - (f) Teardown inspection of the winch assembly shall be performed by a qualified person. The following shall apply:

(i) A teardown inspection shall include the hoist being completely disassembled; cleaned and inspected; and replacement of all worn, cracked, corroded, or distorted parts such as pins, bearings, shafts, gears, brake rotors, brake plates, drum, and/or base.

(ii) After a teardown inspection, a certificate shall be issued by the inspector/service person effective of the date the hoist is placed back in service. The tag shall identify the hoist mechanism, the inspector, and date of the inspection.

(g) Winch assemblies that adhere to the required daily, monthly, semi annually, and yearly inspection criteria, shall conform to the following teardown inspection time frame:

(i) Severe duty (applies to those winch assemblies that are used more than 125 hours a month at or near the rated capacity of the hoist) is every 3 years.

(ii) Moderate duty (applies to those winch assemblies that are used 50 to 125 hours per month and normally operate at considerably less than the winch assembly rated capacity) is every 5 years.

(iii) Infrequent use (applies to those winch assemblies that are used for 50 hours or less per month and normally operate less than the winch assembly rated capacity) is every 7 years.

(h) Winch assemblies that do not adhere to the inspection criteria in subdivision (g) of this subrule shall have a tear down inspection every 3 years.

(i) During any inspection, items found that may affect the performance of the unit must be repaired before use.

(j) Documentation of the inspection shall include, but not be limited to, winch model and serial number, name and employer of repair/inspection technician, date and description of findings, parts replaced, and test results.

R 408.42943 Gin poles used for personnel lifting.

Rule 2943. The employer shall ensure that gin poles shall meet the following requirements when used for personnel lifting:

(a) A gin pole used for personnel lifting shall meet the applicable requirements for design, construction, installation, testing, inspection, maintenance, modification, repair, and operations as referenced in the ANSI/TIA-1019 2004 Structural Standards for Steel Gin Poles Used for Installation of Antenna Towers and Antenna Supporting Structures or as prescribed by a professional engineer.

(b) The following safe working load limits shall be applied for gin pole lifts:

(i) Wire rope, sheaves, rotating rooster heads, blocks, etc., used in the gin pole lifting process shall meet the manufacturer's safe working load limits. In addition, and for clarification, each component shall have a nominal breaking strength of no less than 5 times the static load applied. Adequate consideration for inefficiencies such as end fitting losses, D/d ratios, frictional losses, etc., shall be considered. "D" is the diameter of the sheave and "d" is the diameter of the wire rope passing through the sheave.

(ii) Wire rope slings, chains, shackles, turnbuckles, links, hooks, etc. used to attach the gin pole to the tower and/or to attach loads to lifting or tagging lines shall not exceed the manufacturer's safe working load limits. In addition, each individual component, as well as an attachment assembly, shall have a nominal breaking strength of not less than 5 times the static load applied. End fitting losses and actual positioning of connecting parts shall be taken into consideration.

(iii) Lugs or other devices for lifting or attaching the gin pole in position shall be, at a minimum, designed for the combination of all loads to be applied to the gin pole.

(iv) The load factors and factors of safety referenced in this standard are for lifting of loads only. If personnel are to be lifted by a gin pole and its associated equipment, then the complete unit capacity shall be reduced by 1/2.

(c) All rigging equipment (cables, slings, shackles, hooks, sockets, and similar equipment) shall be inspected before each use. Defective equipment shall be removed from service.

(d) Wire rope used for rigging shall be as follows:

(i) Have a steel wire rope core.

(ii) The sheave grooves in the rooster head and hoisting blocks shall be compatible with the size of wire rope being used.

(iii) The sheave and block diameter shall be of the proper size as referenced by the wire rope manufacturer with a minimum D/d ratio of 18:1. A less than 18:1 D/d ratio may be used if the proper reduction in capacity caused by the reduced diameter is taken into account and a 10:1 safety factor is maintained following the reduction.

(e) End connections shall be terminated per industry and manufacturer specification according to the following:

(i) Wedge sockets have a minimum tail length of 1 rope lay with a properly torqued clip attached to prevent accidental disengagement.

(ii) Only manufactured Flemish eyes will be acceptable.

(iii) Basket slings shall have heavy-duty thimbles in the eyes.

An appropriate percentage of strength reduction for wire ropes shall be taken into consideration based upon the end connection type.

(f) Only alloy chains marked with an 8, T, or A, rated for lifting shall be used.

(g) Only quenched and tempered hooks, shackles, and similar equipment shall be used. The manufacturer's load rating shall be stamped on the product.

(h) A gin pole chart shall be provided for each pole and shall contain the following information at a minimum:

(i) Identification number or other reference.

(ii) Gin pole description.

(iii) Overall gin pole length (L).

(iv) Lifting capacities based on gross load.

(v) Cantilever projection (La) of 20%, 30%, and 40% of the gin pole length.

(vi) Supported by a structure at the bridle and at the basket.

(vii) Load line through the pole not held from horizontal movement (consider as unrestrained).

(viii) Chart minimum load line angle " θ " in Figure 7.1, which is the same as θ_{cmin} noted in Figure 7.3.

(ix) Type of tag being used.

(x) Straight tag or trolley line angle at grade, alpha (α), at 60 degrees from the horizontal.

(xi) Trolley tag line angle, gamma (γ), attached at pole, usually taken at 2 degrees greater than load line angle.

(xii) A 30 mph effective wind speed at the elevation of the gin pole.

(xiii) Reaction forces at gin pole attachment points.

(xiv) A table to convert degrees to a field measurement (Figure 7.2).

(xv) A warning that the load chart is for lifting loads and instructions to reduce the calculated allowable lifting capacity by 1/2 (50%) when lifting personnel.

Figures 7.1, 7.2, and 7.3 are from the ANSI/TIA-1019 2004 structural standards for steel gin poles used for installation of antenna towers and antenna supporting structures as adopted by reference in R 408.42904.

NOTICE OF PUBLIC HEARING

Rule Set 2008-012 LG
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (MIOSHA)
STANDARDS SECTION

MIOSHA CONSTRUCTION SAFETY STANDARD PART 29 COMMUNICATION TOWERS
NOTICE OF PUBLIC HEARING

July 15, 2008

9 a.m.

General Office Building – State Secondary Complex
7150 Harris Drive, Lansing, Michigan
Conference Room B -- First floor

Please take notice that pursuant to the provisions of the Administrative Procedures Act (1969 PA 306, MCL 24.242) and MIOSHA (1974 PA 154 as amended, MCL 408.1019, and MCL 408.1021), the Department of Labor and Economic Growth will conduct a public hearing to allow all persons an opportunity to present data, views, questions, and arguments relative to proposed amendments as promulgated by the Construction Safety Standards Commission to Construction Safety Standard Part 29 Communication Towers.

These new rules will provide minimum protection for Michigan communication tower workers while constructing, altering, repairing, operating, inspecting, maintaining, and demolishing communication towers at heights over six feet. Currently, there are no specific safety standards which cover these workers, and these rules will address fall protection, emergency response, training, and personnel lifting. The proposed rules will become effective 14 days after filing with the Secretary of State.

The proposed rules are published in the July 1, 2008 issue of the *Michigan Register*. Copies of the proposed rules may be obtained from the address listed below or you may download a copy of the proposed rules from our website at www.michigan.gov/mioshastandards. The proposed rules are located in the *What's New* section. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Michigan Department of Labor and Economic Growth
MIOSHA Standards Section
7150 Harris Drive - P.O. Box 30643, Lansing, MI 48909
Telephone 517.322.1845 - Facsimile 517.322.1775
E-mail: hundtc1@michigan.gov

Persons attending the hearings are urged to submit a written summary of remarks as part of their presentation. The submissions of a written statement will in no way prohibit or limit the right of oral expression by any persons at the hearings. Persons unable to attend the public hearings may submit separate written data, views, and arguments relative to the proposed rules by mail, e-mail, or facsimile and must be received no later than 5 p.m. on July 22, 2008.

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call 517.322.1845 (voice) or 517.322.5987 (TTY) at least 7 days prior to the hearing. DLEG is an equal opportunity employer/program.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The State Office of Administrative Hearings and Rules shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the State Office of Administrative Hearings and Rules, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The State Office of Administrative Hearings and Rules may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

May 22, 2008

Norene Lind, Administrative Rules Manager
State Office Administrative Hearing and Rules
611 W. Ottawa, 2nd Floor
Lansing, Michigan 48909

RE: 2004-056 MB State Employees Retirement Board – General Rules (ORS)

Dear Ms. Lind:

As permitted under MCL 24.256(1), the State Employees' Retirement Board is requesting a correction to Rule 38.21(f). The Rule refers to R38.54 when it should refer to R38.38. Would you please make the necessary correction?

Also, please notify Terry Rideout at RideoutT@Michigan.gov when the correction has been completed. Thank you for your help with this matter.

Sincerely,

Douglas C. Drake, Chair
State Employees' Retirement Board

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2008 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2008 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		730	Yes	1/11	1/11	1/11/08	Education; other; references to "handicapped person" in school code; revise to "student with a disability", allow for transfer of public school academy assets and pupils to another public school, and revise effective date for school district consolidations. (Sen. J. Gleason)
2		545	Yes	1/16	1/16	1/16/08	Environmental protection; water pollution; storm water permits; provide waiver of fees for certain municipalities. (Sen. M. Jansen)
3	5123		Yes	2/7	2/7	2/7/08	Economic development; commercial redevelopment; obsolete requirement; modify. (Rep. S. Bieda)
4	5101		Yes	2/7	2/7	2/7/08	Economic development; neighborhood enterprise zones; eligibility; expand to include new facilities. (Rep. B. Farrah)
5		111	Yes	2/7	2/7	2/7/08	Mobile homes; other; penalties for park owners who fail to remit assessment tax; provide for. (Sen. R. Jelinek)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
6		577	Yes	2/12	2/12	8/10/08	Construction; housing; certain requirements for residential owner-builders to comply with prior to sale of structure; clarify. (Sen. J. Gilbert)
7	4505		Yes	2/15	2/15	2/15/08	Traffic control; driver license; issuance of driver license to individual not lawfully in the United States; prohibit, and revise procedures for issuance of license. (Rep. C. Ward)
8		092	Yes	2/20	2/20	2/20/08	Environmental protection; permits; liquid industrial waste; exempt fats used to produce fuels, and make technical revisions. (Sen. R. Basham)
9		123	Yes	2/29	2/29	2/29/08	Businesses; nonprofit corporations; use of electronic communications; allow for nonprofit corporations. (Sen. A. Sanborn)
10		565	Yes	2/29	2/29	6/1/08	Crimes; larceny; shipping containers; include in crime of breaking and entering. (Sen. J. Gilbert)
11	4684		Yes	2/29	2/29	2/29/08	Liquor; other; serving alcohol to an individual who is intoxicated; clarify. (Rep. F. Accavitti)
12	5032		Yes	2/29	2/29	2/29/08	Land use; zoning and growth management; zoning enabling act; make corrective and technical revisions. (Rep. B. Byrum)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
13	5034		Yes	2/29	2/29	2/29/08 #	Agriculture; fertilizer; "agricultural use"; define. (Rep. J. Sheltrown)
14	5035		Yes	2/29	2/29	2/29/08	Agriculture; fertilizer; approval for ordinance regarding use of agricultural fertilizer; require by Michigan commission of agriculture. (Rep. J. Mayes)
15		097	Yes	2/29	2/29	6/1/08	Children; child care; requirement for licensees and registrants to notify parents of complaints of rule violations and investigations; establish. (Sen. B. Hardiman)
16		155	Yes	2/29	2/29	6/1/08 #	Criminal procedure; sentencing guidelines; crime of false report initiating special investigation; enact. (Sen. C. Brown)
17		630	Yes	2/29	2/29	2/29/08	Highways; name; certain portion of M-62; designate as the "Veteran's Memorial Highway". (Sen. R. Jelinek)
18		682	Yes	2/29	2/29	2/29/08	Agriculture; pesticides; distributors of agricultural pesticides; require to be licensed, and require out-of-state pesticide dealers to maintain a registered office. (Sen. M. McManus)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
19	5021		Yes	3/6	3/7	3/7/08	Vehicles; equipment; certain visual displays for use in motor vehicles; revise requirements. (Rep. K. Angerer)
20	4650		Yes	3/6	3/7	3/7/08	Civil procedure; other; uniform foreign-country money judgments recognition act; create. (Rep. P. Condino)
21	5384		Yes	3/6	3/7	3/7/08	Energy; other; energy employment act; revise. (Rep. M. Nofs)
22	4220		Yes	3/12	3/12	3/12/08	Public employees and officers; ethics; school board member volunteer service in school district; allow under certain conditions. (Rep. J. Espinoza)
23	5535		Yes	3/13	3/13	3/13/08	Traffic control; other; enhanced driver license and enhanced official state personal identification card act; enact. (Rep. S. Tobocman)
24	5536		Yes	3/13	3/13	3/13/08 #	Criminal procedure; sentencing guidelines; sentencing guideline for crime of fraudulent certification or statement in applying for enhanced driver license or enhanced official state identification card; establish. (Rep. E. Clemente)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
25	5582		Yes	3/13	3/13	5/12/08 #	Aeronautics; other; aviation fuel used for certain purposes; exempt from taxation. (Rep. S. Bieda)
26	5583		Yes	3/13	3/13	5/12/08 #	Aeronautics; other; certain aviation fuel; exempt from motor fuel tax. (Rep. T. Schuitmaker)
27		530	Yes	3/13	3/13	3/13/08	Recreation; outdoor activities; noise emission from snowmobiles; provide standard. (Sen. J. Allen)
28		750	Yes	3/13	3/13	3/13/08	Veterans; employment; employment preference for honorably discharged veterans; modify residency requirement. (Sen. R. Basham)
29		1061	Yes	3/13	3/13	3/13/08	Insurance; other; captive insurance companies; regulate. (Sen. A. Sanborn)
30		1062	Yes	3/13	3/13	3/13/08 #	Business tax; other; taxation of captive insurance companies; exclude. (Sen. A. Sanborn)
31		654	Yes	3/13	3/13	3/13/08 #	State; identification cards; class 2 identification card; provide for. (Sen. A. Sanborn)
32		966	Yes	3/13	3/13	3/13/08	State; identification cards; personal identification cards; revise requirements for applications. (Sen. C. Brown)
33		206	Yes	3/13	3/13	9/1/08	Land use; planning; planning law consolidation; provide for. (Sen. P. Birkholz)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
34		523	Yes	3/13	3/13	3/13/08	Property; conveyances; transfer of certain state owned property in Lapeer county; provide for. (Sen. J. Gilbert)
35		1076	Yes	3/13	3/14	3/14/08	Economic development; downtown development authorities; issuance of qualified refunding obligations; revise. (Sen. A. Cropsey)
36		712	Yes	3/13	3/17	3/17/08 #	Traffic control; driver license; amendments regarding revised uniform anatomical gift act; provide for in vehicle code. (Sen. H. Clarke)
37		713	Yes	3/13	3/17	3/17/08 #	Criminal procedure; sentencing guidelines; sentencing guidelines for certain violations of the revised uniform anatomical gift act; enact. (Sen. J. Allen)
38		714	Yes	3/13	3/17	3/17/08 #	Health; anatomical gifts; amendments regarding revised uniform anatomical gift act; provide for in medical examiner law. (Sen. R. Kahn)
39	4940		Yes	3/13	3/17	5/1/08 #	Health; anatomical gifts; revised uniform anatomical gift law; create. (Rep. P. Condino)
40	4941		Yes	3/13	3/17	3/17/08 #	State; identification cards; amendments regarding revised uniform anatomical gift law; provide for in personal identification card law. (Rep. K. Angerer)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
41	4945		Yes	3/13	3/17	3/17/08 #	Health; anatomical gifts; amendments regarding revised uniform anatomical gift law; provide for in estates and protected individuals code. (Rep. B. Calley)
42	5184		Yes	3/20	3/20	3/20/08	Property; conveyances; certain property previously conveyed by the state to the city of Lansing; receive from the city of Lansing and reconvey with altered usage restrictions. (Rep. J. Bauer)
43		082	Yes	3/27	3/27	7/1/08	Vehicles; equipment; use of child safety restraint system or booster seat for certain children; require. (Sen. M. McManus)
44		364	Yes	3/27	3/27	3/27/08	Economic development; commercial redevelopment; corridor improvement authority act; modify. (Sen. G. Jacobs)
45	4763		Yes	3/27	3/27	3/27/08	Health; poisons; painting of old houses by volunteer neighborhood groups; exempt from lead-based paint activity certification requirement of public health code. (Rep. J. Mayes)
46		273	Yes	3/27	3/27	3/27/08	Children; protection; procedure regarding follow-up to report of child abuse or neglect that involves a licensed or registered facility or home; clarify. (Sen. B. Hardiman)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
47		667	Yes	3/27	3/27	3/27/08	Family law; marriage and divorce; persons authorized to solemnize marriage; allow county clerk in a county other than county in which clerk serves. (Sen. C. Brown)
48		815	Yes	3/27	3/27	1/1/08	Communications; telecommunications; ability of CMRS supplier or reseller to collect service charge; clarify. (Sen. B. Patterson)
49		1135	Yes	3/27	3/27	3/27/08	Local government; authorities; zoological authority; permit any county to create. (Sen. G. Jacobs)
50	5319		Yes	3/27	3/28	3/28/08	Local government; other; penalties for noncompliance with order; expand to include a blight violation under certain circumstances. (Rep. S. Jackson)
51	4868		Yes	3/27	3/28	3/28/08	Cities; home rule; administrative hearings bureau authority to adjudicate blight violations; expand to include right-of-way signage violations and dangerous building violations, and to provide other technical amendments. (Rep. C. Young)
52	5665		Yes	3/27	3/28	3/28/08	Communications; telecommunications; sunset; eliminate. (Rep. F. Accavitti)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
53	5443		Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; waiver for bonds issued to refinance single family homes; provide for. (Rep. S. Tobocman)
54		951	Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; financing for purchase of certain existing single-family residences; expand to include refinancing. (Sen. S. Thomas)
55		950	Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; recapture tax fund; establish. (Sen. H. Clarke)
56	5446		Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; limitation on aggregate principal amount of notes and bonds; extend issuance date. (Rep. B. Cook Scott)
57		948	Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; refinancing program; allow housing development authority to offer. (Sen. T. Hunter)
58		1133	Yes	4/2	4/3	4/3/08 #	Housing; housing development authority; income qualifier for financing loan; increase. (Sen. R. Richardville)
59	5287		Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; revise compensation provisions. (Rep. S. Jackson)

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*** - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
60	5288		Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; establish registration application process. (Rep. A. Coulouris)
61	5289		Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; require certain notices to OFIS. (Rep. E. Clemente)
62	5290		Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; clarify authority of OFIS commissioner and revise administrative process concerning revocation or suspension of registration. (Rep. D. Robertson)
63	5291		Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; revise provisions applicable to investigations by OFIS. (Rep. D. Booher)
64		826	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation of and registration of mortgage loan officers; create mortgage industry advisory board. (Sen. R. Richardville)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
65		827	Yes	4/2	4/3	4/3/08 #	Criminal procedure; sentencing guidelines; violation of mortgage company act or secondary mortgage loan act; reflect reduction of penalty to misdemeanor. (Sen. R. Richardville)
66		828	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; revise title and definition section of mortgage broker act. (Sen. H. Clarke)
67		829	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; establish registration renewal process. (Sen. T. Stamas)
68		830	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; establish fees and allocate fee revenue to MBLSLA fund. (Sen. T. Hunter)
69		831	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; establish effect of surrender, revocation, or suspension of registration. (Sen. D. Olshove)

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*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
70		832	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; prohibit certain activities by loan officers. (Sen. N. Cassis)
71		833	Yes	4/2	4/3	4/3/08 #	Financial institutions; mortgage brokers and lenders; regulation and registration of mortgage loan officers; prohibit acting without registration and establish penalties and remedies for violating act. (Sen. A. Sanborn)
72	4596		Yes	4/2	4/3	1/1/09	Financial institutions; mortgage brokers and lenders; fees, application dates, and license or registration expiration dates; revise, and establish MBLSLA fund. (Rep. S. Jackson)
73	5861		Yes	4/7	4/7	4/7/08	Transportation; funds; funding for jobs today program; extend sunset. (Rep. M. Valentine)
74		1176	Yes	4/7	4/8	4/8/08	Business tax; other; credit for certain production companies for qualified job training expenditures; provide for. (Sen. P. Birkholz)
75		1177	Yes	4/7	4/8	5/4/08	State financing and management; funds; strategic fund incentives for film production industry; provide for. (Sen. J. Allen)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
76		1178	Yes	4/7	4/8	4/8/08	State financing and management; other; provision to allow cost-free use of state property for film industry productions; provide for. (Sen. T. Hunter)
77	5841		Yes	4/7	4/8	4/8/08	Business tax; other; credit for certain production companies for production expenditures; provide for. (Rep. A. Meisner)
78	5842		Yes	4/7	4/8	4/8/08	Sales tax; exemptions; incentives to film production industry; provide for. (Rep. C. Young)
79	5844		Yes	4/7	4/8	4/8/08	Income tax; credit; credit for certain eligible production companies; provide for. (Rep. B. Johnson)
80	5848		Yes	4/7	4/8	4/8/08	State financing and management; funds; Michigan strategic fund loans to qualified film industry productions; provide for. (Rep. R. Jones)
81	5852		Yes	4/7	4/8	4/8/08	Military affairs; other; provision to allow cost-free use of state property for film industry productions; provide for. (Rep. D. Hildenbrand)
82	5853		Yes	4/7	4/8	4/8/08	Natural resources; other; authority of DNR director to authorize free use of DNR controlled property for film production; expressly recognize in statute. (Rep. K. Law)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
83	5854		Yes	4/7	4/8	4/8/08	Transportation; other; provision to allow cost-free use of state property for film industry productions; provide for. (Rep. E. Clemente)
84	5855		Yes	4/7	4/8	4/8/08	Local government; other; local government filming location access act; create. (Rep. F. Miller)
85		1183	Yes	4/7	4/8	5/4/08 #	History and arts; other; powers, duties, and functions of the Michigan film office and Michigan film advisory commission; modify. (Sen. T. Stamas)
86		1173	Yes	4/7	4/8	4/8/08	Business tax; other; credit for certain qualified film and digital media infrastructure projects; provide for. (Sen. H. Clarke)
87		1174	Yes	4/7	4/8	4/8/08	Economic development; Michigan economic growth authority; tax incentives for qualified companies in the film production industry; provide for. (Sen. J. Gilbert)
88	5858		Yes	4/8	4/8	4/8/08	Business tax; other; credit for certain taxpayers for creating an anchor zone of certain businesses; provide for. (Rep. E. Clemente)
89	5511		Yes	4/8	4/8	4/8/08	Business tax; other; brownfield credit revisions; provide for. (Rep. E. Clemente)
90	4416		Yes	4/8	4/8	7/1/08 #	Occupations; real estate; real estate broker responsibilities under exclusive service provision agreements; clarify. (Rep. T. Schuitmaker)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
91	4417		Yes	4/8	4/8	7/1/08 #	Occupations; real estate; real estate broker responsibilities under an exclusive service provision agreement; provide as part of agency disclosure. (Rep. B. Farrah)
92		1115	Yes	4/8	4/8	4/8/08	Business tax; other; a new Michigan economic growth authority credit for certain anchor companies; create. (Sen. J. Allen)
93		351	Yes	4/8	4/8	4/8/08	Counties; ordinances; billboard zoning ordinances; allow counties to establish under certain circumstances. (Sen. J. Gilbert)
94		047	Yes	4/8	4/8	4/8/08	Economic development; tax increment financing; water improvement tax increment financing authority; create. (Sen. J. Allen)
95		105	Yes	4/8	4/8	4/8/08	Courts; state court administration; authority for magistrates to oversee arraignments; allow. (Sen. V. Garcia)
96	4215		Yes	4/8	4/8	4/8/08	Property tax; principal residence exemption; additional principal residence exemption on 2 properties up to 3 years; allow under certain circumstances. (Rep. E. Gaffney)
97		1192	Yes	4/15	4/15	4/15/08	Business tax; other; film rental and royalty payments made by theater owner included as purchases from other firms; revise effective date. (Sen. J. Barcia)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
98		1223	Yes	4/18	4/18	4/18/08	State financing and management; funds; Michigan promotion program in the Michigan strategic fund; create. (Sen. J. Allen)
99		1224	Yes	4/18	4/18	4/18/08	State financing and management; funds; deposit and disposition of additional tobacco bond proceeds; provide for. (Sen. T. Stamas)
100	5865		Yes	4/18	4/18	4/18/08	State financing and management; funds; Michigan promotion program to promote tourism; create, and provide funding. (Rep. K. Ebli)
101	5866		Yes	4/18	4/18	4/18/08	Taxation; tobacco; refunding, refinancing, and sale of residual interest; provide for in Michigan tobacco settlement finance authority act. (Rep. T. Brown)
102	5867		Yes	4/18	4/18	4/18/08	State financing and management; funds; deposit and disposition of additional tobacco bond proceeds; provide for. (Rep. K. Horn)
103		1157	Yes	4/18	4/18	4/18/08	Higher education; other; use of Michigan guaranty agency operating funds for state competitive scholarships; authorize. (Sen. M. Switalski)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
104		1203	Yes	4/23	4/23	4/23/08 #	Economic development; local development financing; number of certified technology parks; expand. (Sen. R. Richardville)
105	5609		Yes	4/23	4/23	4/23/08 #	Economic development; local development financing; additional certified technology parks; provide for. (Rep. M. Simpson)
106		192	Yes	4/24	4/25	4/25/08	Labor; fair employment practices; job security for returning military personnel; provide for, and provide remedies for noncompliance. (Sen. J. Barcia)
107		120	Yes	4/24	4/25	4/25/08	Human services; food assistance; food assistance benefits; require distribution twice a month. (Sen. M. Scott)
108		1187	Yes	4/24	4/28	4/28/08 #	Economic development; Michigan economic growth authority; multisection bill to revise eligibility criteria; provide for. (Sen. T. Stamas)
109		1188	Yes	4/24	4/28	4/28/08 #	Business tax; other; tax credit for being awarded certain federal procurement contracts; provide for. (Sen. J. Gilbert)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
110		1189	Yes	4/24	4/28	4/28/08 #	Economic development; Michigan economic growth authority; multisection bill to revise eligibility criteria; provide for. (Sen. H. Clarke)
111		1190	Yes	4/24	4/28	4/28/08 #	Business tax; other; revisions to Michigan economic growth authority credit; provide for. (Sen. T. Hunter)
112	5531		Yes	4/24	4/29	4/29/08	Appropriations; supplemental; adjustments to 2007-2008 state school aid appropriations; provide for. (Rep. M. Gillard)
113	5344		Yes	4/25	4/29	4/29/08 +	Appropriations; supplemental; multidepartment supplemental; provide for fiscal year 2007-2008. (Rep. G. Cushingberry)
114	5463		Yes	4/29	4/29	4/29/08 #	Business tax; other; eligible taxpayer for credit for entertainment complexes; revise. (Rep. T. Melton)
115		1118	Yes	4/29	4/29	4/29/08 #	Business tax; other; eligible taxpayer for credit for entertainment complexes; revise. (Sen. J. Pappageorge)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
116	5600		Yes	4/29	4/29	4/29/08 #	Economic development; renaissance zones; eligibility criteria; provide for certain modifications. (Rep. M. Sak)
117		885	Yes	4/29	4/29	4/29/08	Economic development; renaissance zones; recommendation of commission of agriculture for certain renaissance zones and other miscellaneous changes; provide for. (Sen. R. Kahn)
118	5459		Yes	4/29	4/29	4/29/08	Economic development; commercial redevelopment; eligibility; expand to include certain vacant or blighted properties. (Rep. J. Mayes)
119	5607		Yes	4/29	4/29	4/29/08	Watercraft; traffic control; exception for disabled individual to restrictions against use of motorized watercraft; create. (Rep. B. Calley)
120		415	Yes	5/8	5/9	5/9/08	Health; immunizations; information regarding risks and availability of human papillomavirus immunization; require department to identify and provide to schools. (Sen. D. Cherry)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
121	5322		Yes	5/8	5/9	5/9/08	Education; students; certain information concerning human papillomavirus (HPV) and HPV immunization; require schools to provide under certain circumstances. (Rep. B. Clack)
122		209	Yes	5/8	5/9	5/9/08	Property tax; appeals; alternative start dates for board of review; provide for. (Sen. R. Jelinek)
123		1161	Yes	5/8	5/9	5/9/08	Health facilities; employees; implementation of long-term care employee background check; revise. (Sen. P. Birkholz)
124		716	Yes	5/8	5/9	5/9/08	Health; medical records; access to medical records including autopsy reports; clarify. (Sen. T. George)
125	4433		Yes	5/8	5/9	5/9/08	Property tax; tax tribunal; certification of mediators and mediation process; provide for. (Rep. S. Bieda)
126	4434		Yes	5/8	5/9	5/9/08	Property tax; tax tribunal; issuance of proposed decisions and determination of fees; provide for. (Rep. C. Young)
127	4435		Yes	5/8	5/9	5/9/08	Property tax; tax tribunal; restriction on number of members from same occupation; remove. (Rep. F. Sheen)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
128	4436		Yes	5/8	5/9	5/9/08	Property tax; tax tribunal; small claims hearings; modify. (Rep. T. Melton)
129	4437		Yes	5/8	5/9	5/9/08	Property tax; tax tribunal; requirement for evening hearing in the small claims division if requested; repeal. (Rep. B. Calley)
130		108	Yes	5/8	5/9	5/9/08	Communications; telecommunications; eligibility date to opt into METRO funds; revise. (Sen. R. Basham)
131	5695		Yes	5/21	5/21	5/21/2008	Traffic control; traffic regulation; loading requirements for carrying logs or tubular products; revise. (Rep. J. Mayes)
132	5798		Yes	5/21	5/21	5/21/2008	Public utilities; other; steam cost recovery; provide for. (Rep. C. Young)
133		751	Yes	5/21	5/21	5/21/2008	State financing and management; purchasing; veterans' preference for construction, goods, and services; increase. (Sen. J. Pappageorge)
134		115	Yes	5/21	5/21	5/21/2008	Land use; planning; joint planning commission; provide for phased transfer of powers and duties to. (Sen. P. Birkholz)
135	5894		Yes	5/21	5/21	5/21/2008	Human services; adult foster care; implementation of long-term care employee background check; revise. (Rep. S. Jackson)
136		1007	Yes	5/21	5/21	6/20/2008	Food; milk; grade A milk law; revise. (Sen. P. Birkholz)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
137		435	No	5/21	5/21	**	Courts; district court; eighty-seventh judicial district; reorganize into 3 separate districts. (Sen. T. Stamas)
138		749	Yes	5/21	5/21	5/21/2008	Liens; foreclosure; prohibition of foreclosure of mortgages given by certain active military personnel; provide for. (Sen. D. Olshove)
139		731	Yes	5/28	5/28	5/28/2008	Military affairs; other; requirement to provide certain returning reservists with post-traumatic stress disorder (PTSD) and traumatic brain injury questionnaires; provide for. (Sen. J. Allen)
140	5509		Yes	5/28	5/28	5/28/2008	Trade; other; farm produce insurance act; provide for technical amendments. (Rep. J. Mayes)
141		747	Yes	5/28	5/28	5/28/2008	Education; attendance; student's absence due to parent's being deployed or return from active duty; require to be treated as excused absence. (Sen. V. Garcia)
142	5102		Yes	5/28	5/28	5/28/2008	Gaming; lottery; additional jackpot prize payout; prohibit retailers from paying. (Rep. B. Farrah)
143	4557		Yes	5/28	5/28	5/28/2008	Income tax; checkoff; military family relief fund; incorporate into the contributions schedule in 2010. (Rep. R. LeBlanc)
144	5174		Yes	5/28	5/28	5/28/2008	Consumer protection; leases; termination of motor vehicle leases by certain active duty military personnel; allow. (Rep. G. Polidori)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E. * Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
145	5085		Yes	5/28	5/28	7/1/2009	Vehicles; registration; secured registration for snowmobiles; establish. (Rep. J. Mayes)
146	5274		Yes	5/28	5/28	5/28/2008	Occupations; private detectives; definition and qualifications of licensed professional investigator; revise, and clarify the conduct of certain activities. (Rep. B. Farrah)
147	5585		Yes	5/28	5/28	6/27/2008	Food; milk; manufacturing of milk; revise. (Rep. J. Espinoza)
148	5909		Yes	5/28	5/28	5/28/2008#	Probate; trusts; personal property trust perpetuities act; create. (Rep. A. Meisner)
149	4602		Yes	5/28	5/28	5/28/2008#	Probate; trusts; statutory rule against perpetuities; limit application to real property and make inoperable certain language governing exercising a power of appointment. (Rep. T. Schuitmaker)
150	4965		Yes	6/5	6/5	6/5/2008	Property; conveyances; transfer of reversionary interest in part of certain state owned property previously conveyed; provide for. (Rep. H. Walker)
151		515	Yes	6/5	6/5	6/5/2008	Income tax; checkoff; military family relief fund; eliminate sunset and incorporate compliance with new contributions schedule. (Sen. J. Allen)
152		1234	Yes	6/5	6/5	6/5/2008	Watercraft; other; airboats; regulate speed of near residences. (Sen. P. Birkholz)

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153		1308	Yes	6/5	6/5	6/5/2008	Environmental protection; other; liquid industrial waste; exempt certain fuel products. (Sen. J. Gilbert)
154	5539		Yes	6/5	6/5	6/5/2008	Economic development; tax increment financing; reimbursement of certain tax capture reductions for brownfield redevelopment authorities; provide for. (Rep. S. Bieda)
155	5540		Yes	6/5	6/5	6/5/2008	Economic development; tax increment financing; reimbursement of certain tax capture reductions for local development finance authorities; provide for. (Rep. L. Wenke)
156	5541		Yes	6/5	6/5	6/5/2008	Economic development; tax increment financing; reimbursement of certain tax capture reductions for tax increment finance authorities; provide for. (Rep. R. Dean)
157	5542		Yes	6/5	6/5	6/5/2008	Economic development; tax increment financing; reimbursement of certain tax capture reductions for downtown development authorities; provide for. (Rep. R. Jones)
158	4184		Yes	6/5	6/5	6/5/2008	Corrections; alternatives; special alternative incarceration programs for prisoners; revise eligibility requirements. (Rep. P. Condino)

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159	4216		Yes	6/11	6/11	6/11/2008	Occupations; individual licensing and regulation; certain boiler operators and stationary engineers; allow registration under certain circumstances. (Rep. R. Jones)
160	5963		Yes	6/11	6/11	6/11/2008	State; interstate compacts and agreements; interstate compact on educational opportunity for military children; establish. (Rep. G. Polidori)
161	5936		Yes	6/11	6/11	6/11/2008	Occupations; accounting; provisions relating to licensing and registration of certified public accountants; modify. (Rep. A. Coulouris)
Veto	4749					6/13/2008	Vehicles; motorcycles; requirement of wearing crash helmets; increase penalty, create exception, and provide for a no-helmet permit and sticker under certain circumstances. (Rep. B. Farrah)
Veto		776				6/13/2008	Health; abortion; partial-birth abortions; prohibit. (Sen. C. Brown)

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2008 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the State Office of Administrative Hearings and Rules.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2008 RULE FILINGS)

R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue
28.4301	R	8	28.14313	A	8	29.7038	A	8
28.4302	R	8	28.14314	A	8	29.7039	A	8
28.4303	R	8	28.14315	A	8	29.7040	A	8
28.4304	R	8	28.14316	A	8	29.7041	A	8
28.4305	R	8	28.14317	A	8	29.7042	A	8
28.4306	R	8	28.14318	A	8	29.7043	A	8
28.4307	R	8	28.14319	A	8	29.7044	A	8
28.4308	R	8	28.14320	A	8	29.7045	A	8
28.4309	R	8	28.14321	A	8	29.7046	A	8
28.4310	R	8	29.7001	A	8	29.7047	A	8
28.4311	R	8	29.7002	A	8	29.7048	A	8
28.4351	R	8	29.7010	A	8	29.7049	A	8
28.4352	R	8	29.7011	A	8	29.7050	A	8
28.4353	R	8	29.7012	A	8	29.7051	A	8
28.4354	R	8	29.7013	A	8	29.7052	A	8
28.4355	R	8	29.7014	A	8	29.7053	A	8
28.4356	R	8	29.7015	A	8	29.7054	A	8
28.4357	R	8	29.7016	A	8	29.7055	A	8
28.4358	R	8	29.7017	A	8	29.7056	A	8
28.4359	R	8	29.7018	A	8	29.7057	A	8
28.4360	R	8	29.7019	A	8	29.7058	A	8
28.4361	R	8	29.7020	A	8	29.7059	A	8
28.4362	R	8	29.7021	A	8	29.7060	A	8
28.4363	R	8	29.7022	A	8	29.7061	A	8
28.4364	R	8	29.7023	A	8	29.7062	A	8
28.4365	R	8	29.7024	A	8	29.7063	A	8
28.4366	R	8	29.7025	A	8	29.7064	A	8
28.14301	A	8	29.7026	A	8	29.7065	A	8
28.14302	A	8	29.7027	A	8	29.7066	A	8
28.14303	A	8	29.7028	A	8	29.7067	A	8
28.14304	A	8	29.7029	A	8	29.7068	A	8
28.14305	A	8	29.7030	A	8	29.7069	A	8
28.14306	A	8	29.7031	A	8	29.7070	A	8
28.14307	A	8	29.7032	A	8	29.7071	A	8
28.14308	A	8	29.7033	A	8	29.7072	A	8
28.14309	A	8	29.7034	A	8	29.7073	A	8
28.14310	A	8	29.7035	A	8	29.7074	A	8
28.14311	A	8	29.7036	A	8	29.7075	A	8
28.14312	A	8	29.7037	A	8	29.7076	A	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2008 RULE FILINGS)**

R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue
29.7077	A	8	29.7116	A	8	38.38	A	8
29.7078	A	8	29.7117	A	8	38.39	A	8
29.7079	A	8	29.7118	A	8	38.40	A	8
29.7080	A	8	29.7119	A	8	38.41	A	8
29.7081	A	8	29.7120	A	8	38.42	A	8
29.7082	A	8	29.7121	A	8	38.43	A	8
29.7083	A	8	29.7122	A	8	38.44	A	8
29.7084	A	8	29.7123	A	8	38.45	A	8
29.7085	A	8	29.7124	A	8	38.46	A	8
29.7086	A	8	29.7125	A	8	38.47	A	8
29.7087	A	8	29.7126	A	8	38.48	A	8
29.7088	A	8	29.7127	A	8	38.49	A	8
29.7089	A	8	38.1	R	8	38.50	A	8
29.7090	A	8	38.2	R	8	38.51	A	8
29.7091	A	8	38.3	R	8	38.71	A	8
29.7092	A	8	38.4	R	8	38.72	A	8
29.7093	A	8	38.5	R	8	38.73	A	8
29.7094	A	8	38.6	R	8	38.74	A	8
29.7095	A	8	38.7	R	8	38.75	A	8
29.7096	A	8	38.8	R	8	38.76	A	8
29.7097	A	8	38.11	R	8	38.77	A	8
29.7098	A	8	38.12	R	8	38.78	A	8
29.7099	A	8	38.21	A	8	38.79	A	8
29.7100	A	8	38.22	A	8	38.80	A	8
29.7101	A	8	38.23	A	8	38.81	A	8
29.7102	A	8	38.24	A	8	38.82	A	8
29.7103	A	8	38.25	A	8	38.83	A	8
29.7104	A	8	38.26	A	8	38.84	A	8
29.7105	A	8	38.27	A	8	38.85	A	8
29.7106	A	8	38.28	A	8	38.86	A	8
29.7107	A	8	38.29	A	8	125.1101	*	11
29.7108	A	8	38.30	A	8	125.1102	A	11
29.7109	A	8	38.31	A	8	125.1120	*	11
29.7110	A	8	38.32	A	8	125.1125	*	11
29.7111	A	8	38.33	A	8	125.1130	*	11
29.7112	A	8	38.34	A	8	125.1175	*	11
29.7113	A	8	38.35	A	8	125.1185	*	11
29.7114	A	8	38.36	A	8	125.1192	*	11
29.7115	A	8	38.37	A	8	125.1202b	*	11

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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125.1212	*	11	125.1947a	*	11	299.9304	*	5
125.1213a	*	11	125.1950	*	11	299.9305	*	5
125.1214	*	11	125.2001	*	11	299.9306	*	5
125.1214d	*	11	125.2001a	*	11	299.9307	*	5
125.1214f	*	11	125.2005a	*	11	299.9308	*	5
125.1214i	*	11	125.2006a	*	11	299.9309	*	5
125.1214l	R	11	257.1603	*	2	299.9310	*	5
125.1214n	*	11	285.637.1	*	4	299.9401	*	5
125.1303	*	11	285.637.2	*	4	299.9404	*	5
125.1305	*	11	285.637.3	*	4	299.9405	*	5
125.1401	*	11	285.637.4	*	4	299.9409	*	5
125.1403	*	11	285.637.5	*	4	299.9405	*	5
125.1408	*	11	285.637.6	*	4	299.9409	*	5
125.1602	*	11	285.637.7	*	4	299.9503	*	5
125.1605	*	11	285.637.8	*	4	299.9408	*	5
125.1610	*	11	285.637.9	*	4	299.9409	*	5
125.1701	*	11	285.637.10	*	4	299.9503	*	5
125.1701a	A	11	285.637.11	*	4	299.9519	*	5
125.1702a	*	11	285.637.12	*	4	299.9521	*	5
125.1703	A	11	285.637.13	*	4	299.9605	*	5
125.1705	*	11	285.637.14	*	4	299.9607	*	5
125.1711	A	11	285.637.15	*	4	299.9608	*	5
125.1712	A	11	285.637.17	*	4	299.9609	*	5
125.1713	A	11	299.6012	A	11	299.9610	*	5
125.1714	A	11	299.9101	*	5	299.9612	*	5
125.1715	A	11	299.9102	*	5	299.9613	*	5
125.1716	A	11	299.9104	*	5	299.9615	*	5
125.1717	A	11	299.9105	*	5	299.9623	*	5
125.1718	A	11	299.9203	*	5	299.9629	*	5
125.1719	A	11	299.9204	*	5	299.964	*	5
125.1720	A	11	299.9207	*	5	299.9705	*	5
125.1901	*	11	299.9212	*	5	299.9710	*	5
125.1904a	*	11	299.9222	*	5	299.9808	*	5
125.1905	*	11	299.9224	*	5	299.11001	*	5
125.1906	*	11	299.9225	*	5	299.11002	*	5
125.1908	*	11	299.9226	*	5	299.11003	*	5
125.1920	*	11	299.9227	*	5	299.11004	*	5
125.1922	*	11	299.9228	*	5	299.11005	*	5
125.1940a	*	11	299.9231	A	5	299.11009	A	5

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R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue
322.73	A	5	380.105	*	9	400.5117	*	11
325.3347	R	11	380.106	*	9	400.5202a	*	11
325.3348	R	11	380.107	*	9	400.5204	*	11
325.3349	R	11	380.108	R	9	400.5206	*	11
325.3351	R	11	380.109	*	9	400.5302	*	11
325.3353	R	11	380.110	A	9	400.5307	*	11
325.3361	R	11	380.111	*	9	400.5805	*	11
325.3363	R	11	380.111a	A	9	400.5825	*	11
325.3371	R	11	380.111b	A	9	408.7019	A	9
325.3372	R	11	380.112	*	9	408.10501	*	11
336.1102	*	6	380.113	R	9	408.10502	*	11
336.1103	*	6	380.114	A	9	408.10509	A	11
336.1104	*	6	380.115	A	9	408.10511	*	11
336.1105	*	6	380.116	A	9	408.10513	*	11
336.1109	*	6	380.121	*	9	408.10526	*	11
336.1112	*	6	380.122	R	9	408.10528	*	11
336.1113	*	6	380.123	*	9	408.10532	*	11
336.1114	*	6	380.124	*	9	408.10546	*	11
336.1122	*	6	380.125	R	9	408.10547	R	11
336.1401	*	2	380.126	*	9	408.10561	*	11
336.1401a	A	2	380.127	*	9	408.10565	*	11
336.1402	*	2	380.128	*	9	408.10568	*	11
336.1404	*	2	380.129	*	9	408.10569	*	11
336.1405	A	2	380.130	R	9	408.10575	*	11
336.1406	A	2	380.131	R	9	408.10592	*	11
336.1407	A	2	380.132	*	9	408.15801	*	11
336.1420	A	2	380.133	*	9	408.15802	A	11
338.1521a	A	11	380.134	*	9	408.15803	*	11
338.1560	A	11	380.135	R	9	408.15804	*	11
338.1562	A	11	380.136	*	9	408.15805	*	11
339.16001	*	4	380.1201	A	9	408.15810	A	11
339.16003	*	4	390.1251	*	9	408.15811	*	11
339.16021	*	4	400.5101	*	11	408.15812	*	11
339.16025	*	4	400.5102	*	11	408.15815	A	11
339.16026	A	4	400.5102a	*	11	408.15817	A	11
380.101	*	9	400.5103a	*	11	408.15821	*	11
380.102	*	9	400.5104b	*	11	408.15823	R	11
380.103	*	9	400.5105	*	11	408.15824	R	11
380.104	*	9	400.5109	*	11	408.15825	*	11

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408.15830	R	11	408.30504	*	6	408.30565	*	6
408.15831	*	11	408.30505	*	6	408.30566	*	6
408.15832	*	11	408.30506	*	6	408.30568	*	6
408.15833	*	11	408.30507	*	6	408.30569	*	6
408.15836	A	11	408.30508	*	6	408.30570	*	6
408.15839	A	11	408.30509	*	6	408.30571	*	6
408.15842	A	11	408.30510	*	6	408.30572	*	6
408.30401	*	6	408.30511	*	6	408.30573	*	6
408.30401a	A	6	408.30512	*	6	408.30574	*	6
408.30404	*	6	408.30513	*	6	408.30575	*	6
408.30405	*	6	408.30514	*	6	408.30576	*	6
408.30408	*	6	408.30516	*	6	408.30577	*	6
408.30410	*	6	408.30518	*	6	408.43201	*	5
408.30411	*	6	408.30520	*	6	408.43202	*	5
408.30412	*	6	408.30521	*	6	408.43203	*	5
408.30414	*	6	408.30522	*	6	408.43204	*	5
408.30415a	*	6	408.30522a	*	6	408.43204a	A	5
408.30417	R	6	408.30523	*	6	408.43205	*	5
408.30418	*	6	408.30525	*	6	408.43206	*	5
408.30421	*	6	408.30526	*	6	408.43208	*	5
408.30427	*	6	408.30528	*	6	408.43209	*	5
408.30429	*	6	408.30529	*	6	408.43210	R	5
408.30432	*	6	408.30530	*	6	408.43212	A	5
408.30437	*	6	408.30531	*	6	408.43214	A	5
408.30442	A	6	408.30534	*	6	408.43216	A	5
408.30444	R	6	408.30536	*	6	408.43218	A	5
408.30445	*	6	408.30539	*	6	408.43220	A	5
408.30446	*	6	408.30540	*	6	418.10104	*	4
408.30447	*	6	408.30543	*	6	418.10107	*	4
408.30448	*	6	408.30544	*	6	418.10504	*	4
408.30449	*	6	408.30545	*	6	418.10901	*	4
408.30451c	*	6	408.30546	*	6	418.10902	*	4
408.30457	*	6	408.30547	*	6	418.10909	*	4
408.30458	*	6	408.30551	*	6	418.10912	*	4
408.30459	A	6	408.30556	*	6	418.10913	*	4
408.30475	*	6	408.30557	*	6	418.10921	*	4
408.30495	*	6	408.30561	*	6	418.10922	*	4
408.30499	*	6	408.30562	*	6	418.10923	*	4
408.30503	*	6	408.30564	*	6	418.10923b	*	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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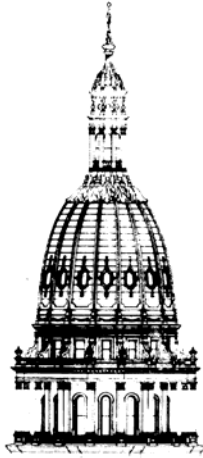
R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue	R Number	Action	2008 MR Issue
418.10925	*	4	460.1605	N	10	460.3402	R	10
418.101002a	*	4	460.1606	N	10	460.3403	R	10
418.101003	*	4	460.1607	N	10	460.3404	R	10
418.101003a	A	4	460.1608	N	10	460.3406	R	10
418.101005	*	4	460.1609	N	10	460.3407	R	10
418.101015	*	4	460.1610	N	10	460.3602	*	10
418.101023	*	4	460.1611	N	10	460.3605	*	10
418.1401	*	10	460.1612	N	10	460.3607	*	10
418.1402	*	10	460.1613	N	10	460.3609	*	10
418.1403	*	10	460.1614	N	10	460.3610	*	10
418.1404	*	10	460.1615	N	10	460.3612	*	10
418.1405	*	10	460.1616	N	10	460.3613	*	10
418.1406	*	10	460.1617	N	10	460.3901	R	10
418.1407	*	10	460.1618	N	10	460.3902	R	10
432.1714	A	10	460.1619	N	10	460.3903	R	10
432.1715	A	10	460.1620	N	10	460.3904	R	10
432.1812	*	10	460.1621	N	10	460.3905	R	10
432.1838	*	10	460.1622	N	10	460.3906	R	10
432.1839	*	10	460.1623	N	10	460.3907	R	10
432.1907	A	10	460.1624	N	10	460.3908	R	10
460.2071	R	10	460.1625	N	10	484.601	A	10
460.2072	R	10	460.1626	N	10	560.101	*	10
460.2074	R	10	460.1628	N	10	560.103	*	10
460.2075	R	10	460.1629	N	10	560.104	*	10
460.2076	R	10	460.1630	N	10	560.105	*	10
460.2077	R	10	460.1631	N	10	560.106	*	10
460.2078	R	10	460.1632	N	10	560.107	*	10
460.2079	R	10	460.1633	N	10	560.108	A	10
460.2080	R	10	460.1634	N	10	560.109	A	10
460.2081	R	10	460.1635	N	10	560.110	A	10
460.2082	R	10	460.1636	N	10	560.111	*	10
460.2083	R	10	460.1637	N	10	560.112	*	10
460.2084	R	10	460.1638	N	10	560.113	*	10
460.2085	R	10	460.1639	N	10	560.114	*	10
460.2086	R	10	460.1640	N	10	560.115	A	10
460.1601	N	10	460.3102	*	10	560.116	A	10
460.1602	N	10	460.3306	R	10	560.117	A	10
460.1603	N	10	460.3308	*	10	560.118	A	10
460.1604	N	10	460.3401	R	10	560.119	A	10

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R Number	Action	2008 MR Issue
560.120	A	10
560.121	*	10
560.122	A	10
560.126	*	10
560.127	*	10
560.128	*	10
560.129	*	10
560.130	*	10
560.131	*	10
560.132	*	10
560.133	*	10
560.134	*	10
560.135	*	10

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